

# SHIRE OF DUMBLEYUNG

## COUNCIL POLICY MANUAL

Adopted: 18<sup>th</sup> April 2024

Motion: 2024/463

Amended: 19<sup>th</sup> December 2024

## **HISTORY SUMMARY**

*NOTE: A full Policy Manual Review was conducted and a new formatting introduced. All policies were updated and amended on 19 August 2021 (Council Resolution 2021/1110 to include the following:*

- *Responsible Officer*
- *Policy Statement*
- *Forms & Templates*

*NOTE: All policies were updated and amended on 19 August 2021 (Council Resolution 2021/1110 to change the following throughout the document:*

- *Renumber any policies as required after deletion of policies*
- *Amend any reference of "Councillor/s" to "Council Member/s"*
- *Amend any reference of "Manager or Works & Services" to "Director of Infrastructure"*
- *Amend any reference of "Elected Member/s" to "Council Member/s"*
- *Amend any reference of "Manager of Finance" to "Director of Corporate Services"*

<b>ITEM</b>	<b>DATE</b>	<b>ACTION</b>	<b>DESCRIPTION</b>
1.5	19 August 2021	Amendment	Council Resolution 2021/1110 - Amend grammatical error
1.12	19 August 2021	Amendment	Council Resolution 2021/1110 - New Policy Statement and Guidelines
1.13	19 August 2021	Amendment	Council Resolution 2021/1110 - Addition of new paragraph in Guidelines
1.15	19 August 2021	Amendment	Council Resolution 2021/1110 - New Guidelines
1.20	19 August 2021	New Policy	Council Resolution 2021/1110 - Policy 1.20 – Acknowledgement of Noongar People
1.21	19 August 2021	New Policy	Council Resolution 2021/1110 - Policy 1.21 – Reference Checks – Recruitment and Employment with the Shire
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 2.5 – Council Catering. To be included in staff procedures and Annual Budget.
2.5	19 August 2021	Amended	Council Resolution 2021/1110 - Addition of new paragraph in Guidelines under "Email as Official Records"
2.8	19 August 2021	Amended	Council Resolution 2021/1110 - Amend any reference of "Corporate Coordinator" to "Records Officer"
2.14	19 August 2021	Amended	Council Resolution 2021/1110 - Remove last paragraph in Policy Statement - Amend "2pm" to "3.30pm" - Remove paragraph referencing commencement time of December Meeting - Amend Standing Committees - Amend Working Parties and Groups
2.17	19 August 2021	Amended	Council Resolution 2021/1100 - Amend any reference of "Landcare Zone" to "Landcare Inc" - Amend item 8. to include the words "and that the financial report(s) be presented to Council prior to the Annual Budget"

ITEM	DATE	ACTION	DESCRIPTION
3.1	19 August 2021	Amended	Council Resolution 2021/1110 - Include the words "whichever is lesser"
3.4	19 August 2021	Amended	Council Resolution 2021/1110 - Addition of new paragraph under Further Guidelines
3.6	19 August 2021	Amended	Council Resolution 2021/1110 - Amend "them" to "they"
3.7	19 August 2021	Amended	Council Resolution 2021/1110 - Amend Guideline 1. "unless Council resolves this policy not apply" to "unless Council resolves this policy does not apply"
3.8	19 August 2021	Amended	Council Resolution 2021/1110 - Amend policy title to "Royalties for Gravel and Sand Supplied, Rehabilitation and Restoration" - Amend wording under heading "Rehabilitation" from "one (1) month" to five (5) years" - Insert new paragraph under "Rehabilitation" from previous Policy 12.1
3.9	19 August 2021	Amended	Council Resolution 2021/1110 - New Guidelines
3.12	19 August 2021	Amended	Council Resolution 2021/1110 - Change financial years
5.10	19 August 2021	Amended	Council Resolution 2021/1110 - Amend spelling error
7.1	19 August 2021	Amended	Council Resolution 2021/1110 - Amend to remove dot point 4 in guidelines
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 8.2 – Above Award Allowance Policy
8.3	19 August 2021	Amended	Council Resolution 2021/1110 - Amend b) under heading "Travelling" - Add new paragraph d) under heading "Travelling" - Amend last paragraph
8.4	19 August 2021	Amended	Council Resolution 2021/1110 - Insert the word "Also" prior to "discrimination in employment is allowed where:"
8.6	19 August 2021	Amended	Council Resolution 2021/1110 - New Guidelines
8.7	19 August 2021	Amended	Council Resolution 2021/1110 - Amend any reference of "Council staff" to "shire staff" - New Terms and Conditions
8.15	19 August 2021	Amended	Council Resolution 2021/1110 - Amend under Guideline 2. to include the words "who will liaise with WALGA for advice and support" - Amend spelling error
10.2	19 August 2021	Amended	Council Resolution 2021/1110 - Add new paragraphs

ITEM	DATE	ACTION	DESCRIPTION
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 12.1 – Gravel Pit Fencing & Restoration. Relevant paragraphs included in Policy 3.8
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 12.3 – Floodway Height. Is an internal procedure
12.3	19 August 2021	Amended	Council Resolution 2021/1110 - Amend spelling error
12.4	19 August 2021	Amended	Council Resolution 2021/1110 - Amend any reference of “audit” to “inspection”
12.7	19 August 2021	Amended	Council Resolution 2021/1110 - Amend “3 tonnes” to “4.5 tonnes”
12.10	19 August 2021	New Policy	Council Resolution 2021/1110 - Policy 12.10 – Restricted Access Vehicles on Shire Roads
8.16	16 Sept 2021	New Policy	Council Resolutions 2021/1133 - Policy 8.16 – Annual, Personal / Carers and Long Service Leave
8.17	16 Sept 2021	New Policy	Council Resolution 2021/1134 - Policy 8.17 – Code of Conduct for Employees
1.22	21 Oct 2021	New Policy	Council Resolution 2021/1155 - Policy 1.22 – Council Member Uniform
1.6	16 Dec 2021	Amended	Council Resolution 2021/1191 - Remove Guideline 3
3.14	16 Dec 2021	New Policy	Council Resolution 2021/1192 - Policy 3.14 – Write Off Small Balances
1.4	21 April 2022	Amended	Council Resolution 2022/038 - Amend incorrect date of close of applications.
1.18	21 April 2022	Amended	Council Resolution 2022/038 - Amend grammatical errors.
2.4	21 April 2022	Amended	Council Resolution 2022/038 - Amend reference of ‘Executive Secretary’ to ‘Records Officer’.
2.14	21 April 2022	Amended	Council Resolution 2022/038 - Amend number of Council from “9” to “7” - Amend previous Council Committees, Advisory Committees etc to reflect to the current and correct ones. - Add in that Agendas and Minutes are available on the Shire of Dumbleyung website.

ITEM	DATE	ACTION	DESCRIPTION
2.18	21 April 2022	New Policy	Council Resolution 2022/038 - Policy 2.18 – Emails to Councillors and WhatsApp
3.14	21 April 2022	Amended	Council Resolution 2022/038 - Extensive amendments to the Policy. This was to ensure the integrity and confidence in the purchasing system was strengthened and that the Shire of Dumbleyung is compliant with all regulatory obligations.
3.6	21 April 2022	Amended	Council Resolution 2022/038 - There were extensive amendments to this Policy to ensure that clear and appropriate debt recovery procedures are undertaken.
3.15	21 April 2022	New Policy	Council Resolution 2022/038 - Policy 3.15 – Family Violence Policy
8.6	21 April 2022	Amended	Council Resolution 2022/038 - Amended the policy to include that the reference to staff assessments and to remove the condition on the pro rata basis of hours worked per week.
8.18	21 April 2022	New Policy	Council Resolution 2022/038 - To provide proof of the guidelines as per advice from the Shire of Dumbleyung auditors for the current housing allowance paid to employees.
11.2	21 April 2022	Amended	Council Resolution 2022/038 - Extensive amendments to the Policy to reflect better practices and further improved and relevant guidelines.
11.3	21 April 2022	New Policy	Council Resolution 2022/038 - Policy 11.3 – Shire Housing Prioritisation
12.1	21 April 2022	Amended	Council Resolution 2022/038 - Extensive amendments to the Policy to provide specifications and guidance regarding the design, installation and rebating of Crossovers as well as the implementation of a Crossover Application Form.
2.19	21 July 2022	New Policy	Council Resolution 2022/038 - Policy 2.19 – Customer Communications Commitment Policy
1.11	21 July 2022	Amended	Council Resolution 2022/099 - Amend to include reference to Policy 1.13
1.13	21 July 2022	Amended	Council Resolution 2022/099 - Amend to rename policy and include further guidelines.

ITEM	DATE	ACTION	DESCRIPTION
1.22	21 July 2022	Amended	Council Resolution 2022/099 - Amend so that only the Shire President and Deputy President are to receive a jacket with the Shire of Dumbleyung logo.
3.12	21 July 2022	Amended	Council Resolution 2022/099 - Amend to change the extended period in which the policy relates.
8.9	21 July 2022	Amended	Council Resolution 2022/099 - Amend to allow the Chief Executive Officer to negotiate with staff, other than senior staff, the possibility of including relocation expenses as part of the condition of employment (subject to budget capacity).
9.6	21 July 2022	New Policy	Council Resolution 2022/099 - Policy 9.6 – Fitness for Work (Drugs, Alcohol and Impairment) Policy
2.17	01 August 2022	Deleted	Council Resolution 2022/056 - Deleted Council Policy 2.17 – Landcare Co—Ordinator
2.20	20 October 2022	New Policy	Council Resolution 2022/137 - Policy 2.20 – Habitual and Vexatious Complainants
9.1	20 October 2022	New Policy	Council Resolution 2022/138 - Policy 9.1 – Work Health and Safety (WHS) Policy (replaces previous Policy 9.2 – Occupational Health and Safety)
9.2	20 October 2022	New Policy	Council Resolution 2022/138 - Policy 9.2 – Injury Management Policy (replaces previous Policy 9.1 – Injury Management Policy)
9.3	20 October 2022	New Policy	Council Resolution 2022/138 - 9.3 – Dealing with Bullying Policy & Procedure
9.5	20 October 2022	New Policy	Council Resolution 2022/138 - Policy 9.5 - WHS Worker Management Policy
9.7	20 October 2022	New Policy	Council Resolution 2022/138 - Policy 9.7 – Injury and Incident Investigation Policy
9.8	20 October 2022	New Policy	Council Resolution 2022/138 - Policy 9.8 – Discipline Policy
9.9	20 October 2022	New Policy	Council Resolution 2022/138 - Policy 9.9 – Fatigue Management Policy
9.10	20 October 2022	New Policy	Council Resolution 2022/138 - Policy 9.10 – Right to Stop Work Policy

ITEM	DATE	ACTION	DESCRIPTION
9.11	20 October 2022	New Policy	Council Resolution 2022/138 - Training, Competency and Awareness Policy
9.12	20 October 2022	New Policy	Council Resolution 2022/138 - 9.12 – Environmental Management Policy
9.13	20 October 2022	New Policy	Council Resolution 2022/138 - 9.13 – Smoke Free Workplace Policy
11.2	15 December 2022	Amended	Council Resolution 2022/158 - Policy 11.2 – Hall Bookings & Hall Equipment Hire Amend to include additional Terms and Conditions of Hire
1.1	20 April 2023	Amended	Council Resolution 2023/222 - Policy 1.1 – Community Engagement Policy Amend Responsible Officer
1.20	20 April 2023	Amended	Council Resolution 2023/222 - Policy 1.20 – Acknowledgment of Noongar People Policy Amend the acknowledgement of Noongar People statement.
1.23	20 April 2023	New Policy	Council Resolution 2023/222 - Policy 1.23 – Legal Representation for Council Members and Employees Policy A new policy has been developed in response to recommended policies from the Financial Management Review (FMR).
2.2	20 April 2023	Amended	Council Resolution 2023/222 - Policy 2.2 – ANZAC Day Policy Amend Responsible Officer. Amend wreaths required. Amend to include further assistance provided by Council and the Shire.
2.3	20 April 2023	Amended	Council Resolution 2023/222 - Policy 2.3 – Australia Day & New Residents Reception Policy Amend Responsible Officer.
2.21	20 April 2023	New Policy	Council Resolution 2023/222 - Policy 2.21 – Council Logo Use Policy A new policy has been developed in response to recommendations from the Financial Management Review (FMR).
3.2	20 April 2023	Amended	Council Resolution 2023/222 - Policy 3.2 – Corporate Credit Cards Amend to remove Landcare Officer as an authorised officer.

3.4	20 April 2023	Amended	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 3.4 – Purchase of Goods &amp; Services</li> </ul> <p>Amend policy to remove some areas of previous policy that is already stated in either Legislation of the Delegations Register.</p> <p>Amend authorised officers and limits.</p>
3.10	20 April 2023	Amended	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 3.10 – Accounting Policy</li> </ul> <p>Amend 6(e) Depreciation of sewerage piping from 100 years to 30-100 years.</p> <p>Amend 6(g) to insert a new paragraph about the disposal of ICT equipment.</p>
3.12	20 April 2023	Deleted	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 3.12 – COVID-19 Financial Hardship Policy</li> </ul> <p>Deleted policy in response to the end of the State of Emergency on 4<sup>th</sup> November 2022, this automatically revoked three months after the date and as of 3<sup>rd</sup> February 2023, all the provisions made under a State of Emergency ended.</p>
3.14	20 April 2023	Amended	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 3.14 – Write Off Small Balances Policy</li> </ul> <p>Amend in response received from the FMR with inconsistencies between policy 3.10, 3.14 and current delegation 2.1.10 which states CEO can write off small balances of up to \$100.</p>
3.16	20 April 2023	New Policy	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 3.16 – Internal Audit Policy</li> </ul> <p>A new policy has been developed to provide a clear and transparent approach to the Internal Audit function and timeline.</p>
5.6	20 April 2023	Amended	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 5.6 – Bushfire Control Volunteers Policy</li> </ul> <p>Amend to reflect current training requirement.</p>
7.2	20 April 2023	Amended	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 7.2 – Tree Planter Hire &amp; Conditions</li> </ul> <p>Amend Responsible Officer.</p>
10.2	20 April 2023	Amended	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 10.2 – Governance Arrangements for the Fence Road Drainage Scheme Policy</li> </ul> <p>Amend Responsible Officer.</p>
12.6	20 April 2023	Amended	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 12.6 – Sealing Gravel Roads Near Dwellings Policy</li> </ul> <p>Amend policy to include minimum specifications and requirements.</p>
13.2	20 April 2023	Deleted	<p>Council Resolution 2023/222</p> <ul style="list-style-type: none"> <li>- Policy 13.2 – Firewood Collection Policy</li> </ul> <p>Delete policy as there are other legislated rules and requirements in place.</p>



2.22	22 June 2023	New Policy	<p>Council Resolution 2023/250</p> <ul style="list-style-type: none"> <li>- Policy 2.22 – Child Safe Awareness Policy</li> </ul> <p>A new policy has been developed based on recommendations of the Royal Commission.</p>
2.23	22 June 2023	New Policy	<p>Council Resolution 2023/251</p> <ul style="list-style-type: none"> <li>- Policy 2.23 – Acceptable Use of Electronic &amp; Digital Signatures</li> </ul> <p>A new policy and procedures have been developed to provide guidance on the use of electronic and digital signatures and the security measures required.</p>
3.17	20 July 2023	New Policy	<p>Council Resolution 2023/274</p> <ul style="list-style-type: none"> <li>- Policy 3.17 – Recovery of Rates and Service Charges</li> </ul> <p>A new policy has been developed based on recommendations arising from the Financial Management Review (FMR).</p>
1.4	18 April 2024	Deleted	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 1.4 – Bain Estate Future Fund</li> </ul> <p>Deleted policy as all guidelines and procedures for the management of Bain Estate funds are now under the management of the Dumbleyung Future Fund Inc which were adopted by Council at its meeting in December 2023 after community consultation. There was a greater risk of the control of the fund reverting to others in the future event of a local government amalgamation, abolition or restructure. The aim was to protect the fund as a core Dumbleyung community asset into perpetuity.</p>
1.24	18 April 2024	New Policy	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 1.24 – Audio Recording of Council Meetings</li> </ul> <p>Created a new policy to provide guidance in relation to the audio recording of meetings as per new legislative requirements that commence from 1 January 2025.</p>
1.25	18 April 2024	New Policy	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 1.25 – Electronic Attendance at Council Meetings by Council Members</li> </ul> <p>Created a new policy to provide guidance in relation to electronic attendance at meetings by Council Members.</p>
2.2	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.2 – ANZAC Day Wreaths</li> </ul> <p>Amended to change position title of responsible officer.</p>
2.3	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.3 – Australia Day and New Residents Reception</li> </ul> <p>Amended to change position title of responsible officer.</p>

2.4	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.4 – Complaint Handling</li> </ul> <p>Amended to change position title of responsible officer. Amended to change title of officer recording and assigning the complaints.</p>
2.8	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.8 – Records Management</li> </ul> <p>Amended to replace with updated policy as per advice received from consultant and in preparation for the new ERP System. Old policy is mostly procedural and new internal guidelines and procedures are being progressed.</p>
2.14	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.14 – Freedom of Information Statement</li> </ul> <p>Amended to reflect current committees, working groups and representation on external organisations. Amended to include short term accommodation as a service to the community.</p>
2.15	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.15 – Honorary Freeman of the Municipality</li> </ul> <p>Amended to include better guidelines for the criteria, nomination process and entitlements of a Freeman so that when staff changeovers occur, no knowledge of the process is lost.</p>
2.23	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.23 – Acceptable Use of Electronic &amp; Digital Signatures</li> </ul> <p>Amended to remove the attachment and reference to the attachment as these are internal procedures.</p>
2.24	18 April 2024	New Policy	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.24 – Senior Staff Handover Briefing Notes</li> </ul> <p>Created a new policy to provide clarity of requirements for senior staff leaving the organisation so that their departure does not leave a significant knowledge gap in the organisation.</p>
2.25	18 April 2024	New Policy	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 2.25 – Council Policy Management</li> </ul> <p>Created a new policy for the development, adoption, amendment and management of Council Policies. This also includes the ability to make minor amendments to existing policies when there are changes to legislative references, position titles, Shire document titles and to correct grammar and typographical errors with the approval of the CEO.</p>
3.4	18 April 2024	Amended	<p>Council Resolution 2024/367</p> <ul style="list-style-type: none"> <li>- Policy 3.4 – Purchase of Goods &amp; Services</li> </ul> <p>Amended to change position title of Technical Officer to Project Manager. Amend to remove reference to decision to call tenders for goods and services under an exemption valued at more than</p>

			\$500,000 to be approved by Council. There are legislative requirements in place for exemptions under Regulation 11(2) as stated in the policy.
3.14	18 April 2024	Amended	Council Resolution 2024/367 - Policy 3.14 – Write Off Small Balances Amended to allow small balances to be written off at the end of each month instead of at the end of the financial year.
3.16	18 April 2024	Amended	Council Resolution 2024/367 - Policy 3.16 – Internal Audit Amended to reflect the amended name of the Finance & Audit Committee to the Audit & Risk Committee.
8.10	18 April 2024	Amended	Council Resolution 2024/367 - Policy 8.10 – Staff Service Pay Amended to include service pay for twentieth year of service.
8.13	18 April 2024	Amended	Council Resolution 2024/367 - Policy 8.13 – Works Staff Uniform Amended to remove monetary value due to costs of uniforms increasing.
8.18	18 April 2024	Amended	Council Resolution 2024/367 - Policy 8.18 – Housing Allowance Amended to increase allowance and provide further guidelines on eligibility. The Housing Allowance has been paid to staff since 2012 and has had no increase in the past 12 years. Even though this has been paid to staff since 2012, it was adopted as a policy in 2022 due to audit requirements.
10.1	18 April 2024	Deleted	Council Resolution 2024/367 - Policy 10.1 – Housing – Picture Hooks in Walls Deleted policy as this is procedural and managed under tenancy leases and agreements.
11.1	18 April 2024	Amended	Council Resolution 2024/367 - Policy 11.1 – Aged Care Housing Eligibility Criteria Amended to change responsible officer.
11.2	18 April 2024	Amended	Council Resolution 2024/367 - Policy 11.2 – Dumbleyung & Kukerin Hall Bookings & Hall Equipment Hire Amended to change policy name to refer to Dumbleyung & Kukerin Halls only as a new policy is being proposed to be created to provide guidelines for Moulyinning & Dongolocking Halls. Amended to remove the facility hire form from policy as this is in administration procedures.
11.7	18 April 2024	New Policy	Council Resolution 2024/367 - Policy 11.7 – Moulyinning & Dongolocking Hall Hire Created a new policy to provide guidelines for bookings for Moulyinning & Dongolocking Halls due to adopted changes to the Fees & Charges.

11.1	20 June 2024	Amended	<p>Council Resolution 2024/295</p> <ul style="list-style-type: none"> <li>- Policy 11.1 – Aged Care Housing Eligibility Criteria Amended to include a new eligibility criteria of a 'local applicant' and the definition of 'local applicant'. Amended to include reference to the properties that re to be restricted to Aged Care Use only.</li> </ul>
11.16	20 June 2024	Amended	<p>Council Resolution 2024/395</p> <ul style="list-style-type: none"> <li>- Policy 11.6 – Shire Housing Prioritisation Amended to include annual reporting requirements and updates to be provided to Council.</li> </ul>
1.6	19 December 2024	Amended	<p>Council Resolution 2024/463</p> <ul style="list-style-type: none"> <li>- Policy 1.6 – Council Meetings Amended to change commencement time of meetings from 3.30pm to 4.00pm.</li> </ul>
1.26	19 December 2024	New Policy	<p>Council Resolution 2024/463</p> <ul style="list-style-type: none"> <li>- Policy 1.26 – Forums of Council – Workshops, Information Sessions and Agenda Briefings New policy to adopted to provide guidelines for Workshops, Information Sessions and Agenda Briefings.</li> </ul>

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## **PREFACE**

The Policy Manual is the compiled decisions of Council to the Chief Executive Officer (CEO), employees and other officers, detailing how specific matters are to be administered, the standards to apply etc.

Council Policy is over-ridden by –

- Commonwealth and State legislation and regulations,
- Local Planning Schemes
- Local Laws
- Council Resolutions
- Delegations

Council Policy overrides –

- Executive Instructions
- Local Government Guidelines – although they are not decisions of Council, close observance is strongly recommended.
- Administrative directions/instructions

The decisions can be made at any time and may be varied at Council's discretion. Council Policy is not binding on the Council, but is binding on employees and officers, unless discretion is stated. Council Policy is to be considered as Council's standing or permanent instructions.

The *Local Government Act 1995* requires the development of only a few policies, otherwise all policies are at Council's sole discretion.

Policies, Codes or Standards of a local government required by the *Local Government Act 1995* include:

- Adoption of an Attendance at Events Policy (S5.90A)
- Adoption of a Council Members Code of Conduct (S5.104)
- Adoption of an Employees Code of Conduct (S5.51A)
- Adoption of Continuing Professional Development Policy for Council Members (S5.128)
- Adoption of a Policy relating to employing a CEO or Acting CEO (S5.39A, S5.39B, S5.39C)
- Adoption of a Regional Price Preference Policy (R24C *Local Government (Functions and General) Regulations 1996*)
- Adoption of a Policy that pays employees more than required by their contract or award (recognition of service/gratuity) (S5.50); and
- Adoption of a Standard for CEO recruitment, performance and termination (based on model) (S5.39B).

Other than the above, Policies are generally not required to be based on or in legislation but can be stand-alone instructions of Council. However, it cannot be inconsistent with legislation.

Within the Policy Manual is a detailed outline of –

- How actions and administrative decisions are to be made,
- When they are to be implemented or made,
- Limitations and restriction etc.

The Policy Statement is resolved by Council. All procedural or reference information, formatting and spelling errors may be amended and updated by the CEO.

## **INTRODUCTION**

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various employees and officers, and to stipulate conditions, standards or methods of control and management.

This Council Policy Manual has been prepared to complement a range of obligations imposed by legislation including local laws and various documents adopted by Council.

The order of priority for compliance is –

1. Federal and State legislation and regulations,
2. Local Planning Scheme,
3. A specific Resolution of Council,
4. Delegations Register – being specific authorisations resolved by Council, and having a statutory context under the Local Government Act,
5. Council Policy – being instructions resolved by Council on how particular matters are to be dealt with,
6. Executive Instruction – standing instructions or procedures issued by the CEO, and
7. Administrative directions or instructions.

Although not decisions of Council, and therefore not a requirement of staff, consideration should be given to the following as being best practice –

- DLGSC Guidelines
- WALGA Councillor Manual, Practice Notes etc

Unless specifically resolved that the instruction is to be included in the Policy Manual, it is considered that it is for a specific matter, and it is not a general or on-going instruction.

There are some policies that have specific legislative provision, and these are noted in the individual policy.

## **IMPORTANT – Consequences of Breaching Council Policy**

Where there is a breach of Council Policy -

- a) It may result in disciplinary action up to and including termination of employment;
- b) The Shire may also be obligated to refer a breach to an external agency where an employee may be held personally liable for their actions; and
- c) The employee in breach may also be personally liable for their actions, such costs charged to the Shire or to repair as a result of the private/personal or unauthorised use.

## **Application – Is to Staff, not to Community**

Policies cannot be used to control or manage the general community – it is essentially an instruction to staff that in particular circumstances, a specific action or process is to be followed, for instance –

- Hire of facilities – if there is damage, then staff are to invoice the hirer or to cancel a booking etc
- HR/Personnel Policies – outlines the circumstances on which actions are taken
- Crossovers – staff may approve if an application complies with requirements or take action if a crossover does not comply.

A Policy cannot be applied directly to the community as they may not be aware of its adoption. The community has to have had the opportunity to be aware of the requirements imposed on them.

However, a policy may require staff to apply specific conditions to a licence, permit etc and to provide a written copy of the conditions being applied. These conditions applied are then enforceable.

Advertising of a local law constitutes community wide notification, whether the person is aware of it or not. Accordingly, many policies expand on a how a local law is to be interpreted or acted upon by staff.

## **Definitions**

The Local Government Act has not defined the term “delegation” or “delegated power”. However –

- S.5.16 refers to “... the exercise of any of its powers and duties ...”
- S5.42 refers to “... the exercise of any of its powers or the discharge of any of its duties ...”

The term “policy” is not defined anywhere in the Local Government Act, however, Departmental Guidelines refer to Council “acting through” the administration to fulfil requirements and obligations.

The following terms used in this document apply insofar as they are consistent with enabling legislation –

**authority** means the permission or requirement for Council, a Committee or a person to act in accordance with –

- The Local Government Act, Regulation or other legislation,
- A delegation made by Council,
- A Council Policy,
- A specific decision of Council, or
- An Executive Instruction

**delegation** means the authority for a Committee, the CEO or other person to exercise a power, or discharge a duty, as conferred by absolute majority decision of Council under the provisions of the relevant legislation.

**employee** means a person employed by the Shire and is on the payroll and does not include contractors or consultants.

**Council Policy** is a standing instruction issued by the CEO as to how a particular matter is to be implemented.

**Executive Instruction** is a standing instruction issued by the CEO as to how a particular matter is to be implemented.

**instruction** means the requirement for a staff member to act in accordance with a direction given by the Council, the CEO senior employee or supervisor.

**officer** generally only to be used in the context of a formal authorisation, and may include an authorised employee.

## **Guidelines No.17 – Delegations (Department of Local Government)**

The Department of Local Government, Sport and Cultural Industries has published Guidelines for the formation of Delegations.

The Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

*... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision-making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.*

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters. Similarly, not all “acting through” matters will be listed. Council Policy supported by Executive Instructions describe how that action or some other action is to be carried out.

### **Making, Amending and Revoking Council Policy**

Administrative Policy requires approval by a simple majority of Council, and may be made, amended or revoked at any time by Council.

Council may impose limitations on Policy, or the functions delegated as they see fit.

### **Review of Council Policy**

To maintain the Policy Manual and ensure it is up to date, an administrative review should be carried out at least once a year and a report made to Council in April on matters needing amendment or inclusion.

It is also suggested that regular reviews are conducted to ensure that policies remain relevant, current and understood.

## **SECTION 1 – COUNCIL / GOVERNANCE**

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### **1.1 Community Engagement Policy**

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**Policy Number:** 1.1

**Policy Subject:** Community Engagement Policy

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** For the purposes of community engagement in order to prepare and review the Strategic Community Plan.

**Guidelines:** The following engagement activities are to be undertaken:

1. Every two years a survey is to be undertaken to ascertain what the community's priorities are and how the community views the performance of Council and the Shire. The community survey is to be conducted in line with the minor and major reviews of the Strategic Community Plan.
2. Every four years community workshop(s) are to be undertaken to inform the community of the progress of the Strategic Community Plan and ascertain what the community's priorities are.

**Forms & Templates:** Nil

**First Adopted:** 15 December 2016

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222

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## 1.2 Integrated Workforce Planning and Management

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**Policy Number:** 1.2

**Policy Subject:** Integrated Workforce Plan and Management

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To demonstrate that the Shire is committed to ensuring that strategic, operational and legislative objectives areas met by effective workforce planning and resourcing to demonstrate compliance with the Integrated Planning requirements of the Local Government Act (1995) Regulation S5.56(2).

**Guidelines:** **Definition of Workplace Planning**

Workforce Planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future. It provides the framework for assessing the demand and supply of the workforce and aims to have the right people in the right place at the right time to affect the delivery of organisational goals, resourced through effective long term financial and business plans.

**Principles – Framework - Processes**

The Shire considers workforce planning to be an essential management function in its operations. They recognise that the achievement of all goals and objectives are reliant on the appropriate capacity, skills, knowledge of the workforce.

Council is committed to resourcing workforce requirements through its integrated planning processes. Council also recognises that the responsibility for managing people lies with the person who has the executive responsibility for the objectives of the service/activity/function of their sector.

The Shire will ensure the Workforce Plan addresses current and future best practice human resource management practices that include:

- Effective and efficient recruitment and retention
- Role and responsibility definition and appropriate performance management
- Support and encouragement for staff to perform
- Staff training and development
- Legislative compliance
- Staff health and wellbeing (OSH)
- Flexibility in employment and work practices to meet organisational end employees needs.

**Responsibility**

- Executive staff and supervisors have the responsibility and accountability for ensuring that all staff are managed appropriately within their own work areas.
- In each of these areas, current and future demand and supply should be assessed as part of the annual and strategic planning cycles.
- The CEO will ensure effective setting of KPI's and performance criteria for their staff that will meet relevant organisational objectives.

- Staff appraisals will incorporate training and development plans to ensure the current and future skills and knowledge needs are met wherever practicable, with gaps and omissions reported to the CEO or other designated officer for inclusion in the Workforce Planning process.
- The Payroll/Rates Officer will collect and monitor relevant workforce data, demographics and trends as part of the integrated planning cycle.
- All Council Members and officers involved in organisational, operational or project planning will ensure that workforce implications are considered and included in all strategic or operational plans.

#### **Monitor and Review**

The Shire will implement a fit for purpose reporting and recording system that will be regularly monitored to ensure human resource supply and demand management is appropriately implemented and sustained across the organisation and there is ongoing identification of issues and trends.

Workforce Planning key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored by the Shire's Executive Staff and Council as appropriate and reported as required, being mindful of human resource management confidentiality requirements.

**Forms & Templates:** Nil

**First Adopted:** 13 August 2015

**Amended:** 19 August 2021, Motion 2021/1110



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### 1.3 Related Party Disclosures (AASB 124)

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**Policy Number:** 1.3

**Policy Subject:** Related Party Disclosures (AASB 124)

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** The purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

All councils in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

From 1 July 2016, the Australian Accounting Standards Board has determined that AASB 124 Related Party Disclosures will apply to government entities, including local governments.

The objective of the accounting standard is to ensure that annual financial statements contain disclosures necessary for stakeholders to draw attention to the possibility that the financial position and financial performance may have been affected by transactions and outstanding balances with related parties.

Council recognises that Related Party transactions can present potential or actual conflicts of interest and may raise questions about whether they are in the best interests of the organisation.

It is therefore important that Key Management Personnel act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that Key Management Personnel of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with the Council in the annual financial statements.

**Guidelines:** Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related Party relationship could influence the normal business operations of Council. In some instances, Council may enter into transactions with a Related Party that unrelated parties would not. For example, goods are supplied to Council on terms that might not be offered to other customers. Also, transactions between Related Parties may not be made on the same terms as between unrelated parties.

The normal business operations of Council may be affected by a Related Party relationship even if Related Party Transactions do not occur. The mere

existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing the Council.

### **Identification of Key Management Personnel (KMP)**

AASB 124 defines KMP's as "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly".

KMP's for the Council are considered to include:

- Council Members
- Chief Executive Officer
- Managers

### **Identification of Related Parties**

A related party is a person or entity that is related to the entity that is preparing its financial statements.

For the purposes of this Policy, related parties of Council are:

- a) Entities related to Council;
- b) Key Management Personnel (KMP) of Council
- c) Close family members of KMP;
- d) Possible close family members of KMP's; and
- e) Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Also a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by Close members of the family of a person;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- they or any member of a group of which they are a part, provide KMP services to Council.

### **Identification of Control or Joint Control**

A person or entity is deemed to have control if they have:

- a) power over the entity;

- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

### **Related Party Transactions Disclosures**

All transactions between Council and related parties, whether monetary or not, are required to be identified. Such transactions may include:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;
- Leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- Quotations and/or tenders;
- Commitments; and
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party.

Ordinary Citizen Transactions are transactions provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives. Related party transactions excluded from disclosure requirements on the basis of Ordinary Citizen Transactions are;

- Any valid transaction, rates payment, fine, use of facility, attendance of function, service, benefit, discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance, and
- Any service or benefit occurring within normal employee, customer or supplier relationships and at arm's length; and
- are not material or significant;

Council must disclose all material and significant Related Party Transactions in its annual financial statements and include the following detail:

1. The nature of the related party relationship; and
2. Relevant information about the transactions including:
  - a) The amount of the transaction;
  - b) The amount of outstanding balances, including commitments;
  - c) Provision for doubtful debts related to the amount of outstanding balances; and
  - d) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework

of the Australian Accounting Standard AASB124 and other relevant standards, as required.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- (i) Significance of transaction in terms of size;
- (ii) Whether the transaction was carried out on non-market terms;
- (iii) Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- (iv) Whether the transaction is disclosed to regulatory or supervisory authorities;
- (v) Whether the transaction has been reported to senior management; and
- (vi) Whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

Disclosures that Related Party Transactions were made on terms equivalent to those that prevail in arm's length transactions can only be made if such terms can be substantiated.

### **Procedures**

The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions to the Governance and Compliance Officer on a Quarterly basis.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register.

Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction, they should contact the Governance and Compliance Officer or Chief Executive Officer for clarification.

### **Privacy**

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

### **Review of Related Party Transactions**

A review of KMP's and their related parties will be completed on adoption of this policy and then at intervals not exceeding twelve months.

This policy will also be reviewed when any of the following occur:

- a change of Council Members, Chief Executive Officer or other KMP;
- corporate restructure;
- the related legislation/documents are amended or replaced;
- other circumstances as determined from time to time by a resolution of Council; and
- as a result of changes to the OLG Local Government Code of Accounting Practice and Financial Reporting.

### **Training and Communication**

This policy will be provided to KMP in the initial awareness raising and data collection and as part of Council Member inductions.

## **Definitions**

**"Act"**: means the Local Government Act 1993.

**"AASB 124"**: means the Australian Accounting Standards Board, Related Party Disclosures Standard.

**"Close members of the family of a person"**: are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependants of that person or that person's spouse or domestic partner.

**"Control"**: means the ability to direct the business' activities of an entity through rights or exposure to returns from its involvement with the entity.

**"Entity"**: can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.

**"Financial Benefit"**: A financial benefit includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money. Examples (not limited) of "giving a financial benefit" to a Related Party include the following:

- Giving or providing the Related Party finance or property.
- Buying an asset from or selling an asset to the Related Party.
- Leasing an asset from or to the Related Party.
- Supplying services to or receiving services from the Related Party.
- Issuing securities or granting an option to the Related Party.
- Taking up or releasing an obligation of the Related Party.

**"Key Management Personnel (KMP)"**: - as defined in Section 6.1 of this Policy.

**"KMP Compensation"**: means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
- Post-employment benefits such as pensions, other retirement benefits, postemployment life insurance and post-employment medical care;
- Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
- Termination benefits

**"Material"**: (materiality) means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

**"Ordinary Citizen Transaction":** means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

**"Possible (Possibly) Close members of the family of a person":** are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- (a) that person's brothers' and sisters';
- (b) aunts', uncles', and cousins of that person's spouse or domestic partner;
- (c) dependants of those persons' or that person's spouse or domestic partner as stated in (b); and
- (d) that person's or that person's spouse or domestic partners', parents' and grandparents.

**"Related Party":** defined in Section 6.2 of this Policy.

**"Related Party Transaction":** - is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

**"Regulation":** - means the Local Government (General) Regulation 2005

**"Senior Executive":** means an employee of the Council who reports directly to the General Manager and whose position would be considered to be a senior position in the Council's corporate structure.

**"Significant":** (significance) means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

**"Remuneration":** means remuneration package and includes any money. Consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

**Forms & Templates:** Attachment 1 – AASB124 – Related Party Disclosures

**First Adopted:** 15 June 2017

**Amended:** 19 August 2021, Motion 2021/1110



## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### 2. ENTITIES THAT I, OR A CLOSE FAMILY MEMBER CONTROLS OR JOINTLY CONTROLS (See Appendix 2)

Name of Entity	Name of person who has control/nature of control
<i>If there has been no change since your last declaration, please complete "No Change"</i>	



## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### 3. ORDINARY CITIZEN TRANSACTIONS – NOT PROVIDED AT ARMS LENGTH

Did you or any member of your close family use facilities provided at Recreation Centre, attend any event at the Civic Centre, or use any other council provided facility AND you received a discount or special terms that would not otherwise be offered to any other member of the public?

Name of person using the facility	Service/Facility used	Nature of transaction	Nature of discount or special conditions received.

Note: Recreation Centre membership provided as part of employment has been provided under the same terms as those memberships provided to the public.

#### 4. LEASING AGREEMENTS - DOMESTIC RESIDENTIAL

Did you, a close family member or related entity, enter into a lease agreement with the Shire of Dumbleyung (either as lessee or lessor) for the provision of a domestic rental property (Includes properties owned by the Shire of Dumbleyung and privately owned properties sub-leased through the Shire of Dumbleyung from a real estate agent)? Did you receive or provide a discount or special terms that would not otherwise be offered to any other member of the public?

Name of Person party to the lease	Property Address	Term of Lease & Weekly rent	Detail of any non-arms length conditions

## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### 5. LEASING AGREEMENTS - COMMERCIAL

Did you, a close family member or related entity, enter into a commercial leasing agreement with the Shire of Dumbleyung for the provision of a commercial property? Did you receive a discount or special terms that would not otherwise be offered to any other member of the public?

Name of person party to the lease	Property Address	Term of Lease & Weekly rent	Detail of any non-arms length conditions

#### 6. TRADING ARRANGEMENTS

Were you or a close family member (as defined above) the owner of any business (or in a position to substantially control the business) that provided goods or services to the Shire of Dumbleyung? Were those goods or services provided on the same terms and conditions as those available to any other customer? If not, please provide details of the specific terms provided to the Shire of Dumbleyung.

Business name	Goods or services provided	Approximate value for the reporting period	Terms & conditions



## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### 8. PURCHASE OF PROPERTY

Did you, a close family member or related entity, purchase any property or other assets from the Shire of Dumbleyung? (This may include vehicles or other plant items, land or buildings).

Was the purchase made at arms length (for e.g. at public auction), and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided to you.

Name of person or entity name	Property purchased	Value of the purchase	Terms & conditions

#### 9. SALE OF PROPERTY

Did you, a close family member or related entity, sell any property or other assets to the Shire of Dumbleyung? (This may include vehicles or other plant items, land or buildings).

Was the sale made at arms length, and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.

Name of person or entity name	Property Sold	Value of the Sale	Terms & conditions

## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### 10. FEES & CHARGES FOR APPLICATIONS

Did you, a close family member or related entity, make an application to Council for a trading, building, planning or development application, licence or approval, or any other type of permit or licence?

Name of person or entity name	Application type	Application and/or receipt number

#### 11. SELF SUPPORTING LOANS

Did you, a close family member or related entity, enter into a loan agreement with the Shire of Dumbleyung? For e.g. a club for which you have control (See Appendix 2 for example)

Name of person or entity name	Loan details	Value of the loan	Terms & conditions

#### 12. OTHER AGREEMENTS

Please list any other agreement or arrangement you believe is a related party transaction and should be declared.

Name of person or business/company	Nature of agreement	Value of agreement	Terms & conditions

## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

I declare that all information and details provided in this form are true and correct to the best of my knowledge and belief and that no known relevant information has been omitted.

I have made this declaration after reading the information supplied by Council which details the meaning of the definitions to which this declaration relates.

**SELECT OPTION 1:**  Handwritten Signature

Signed: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Once signed please provide to the Manager of Finance.

## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### Close Family Members

Close family members include:

- a child, spouse or domestic partner;
- children of your spouse or domestic partner;
- dependents of you or your spouse or domestic partner;
- any other close family member;

who may be expected to influence, or be influenced by, your dealings with the council.

The following table may assist you in identifying your close family members:

Definitely a close family member	May be a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council
Your children	Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council
Your dependants	Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council

There may be relationships that a council has which are not identified in this appendix but still meet the definition of a related party.

#### **Example: Cousin of Councillor**

A Councillor for the Shire of Dumbleyung has lived in the Shire of Dumbleyung her whole life. In fact her family has been in the area for generations.

The Councillor’s cousin, owns and operates the local newsagent through a company ABC Pty Ltd, in which she owns 100% of the shares. The Councillor and her cousin have always been close and regularly socialise together.

From these facts it would appear that the Councillor’s cousin is a close family member of the Councillor because she would be expected to influence, or be influenced by, that person in her dealings with Council.

Both the cousin and the company she controls, ABC Pty Ltd would therefore be related parties of Council.

Any transactions that the Council makes with the newsagent would need to be separately identified and may need to be disclosed.

## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### Control in entities

##### What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

You control an entity if you have

- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some cases it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

In some cases it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Manager Financial Services for a confidential discussion.

#### **Example: Clubs or other incorporated bodies**

(A Shire of Dumbleyung Councillor is the President of a local football club)

A Shire of Dumbleyung Councillor is the President of Shire of Dumbleyung Football Club Inc, the local football club. This club is overseen by a committee which comprises the President and four other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the committee members at the club’s annual general meeting.

From these facts it would appear that the Councillor does not control or jointly control the football club so it will not be a related party of Council just because the Councillor is the president of the club.



## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### Other examples

##### **Example 1 (Audit committee member)**

Shire of Dumbleyung’s audit committee comprises two Councillors and a local retired accountant, Fred. Fred has no other connection with the council.

The audit committee attends to the functions as required under the *Audit Regulations*. It does not make any decisions on behalf of the council but simply provides reports, with recommendations, for the President and councillors to consider.

Based on the facts outlined Fred would not be a KMP of council.

##### **Example 2 (Son of CFO employed by council)**

Shire of Dumbleyung has recently employed Paul's son (George) in the Council's parks and garden's area. Paul is Council's Deputy Chief Executive Officer but was not involved in hiring George. This process was managed by the Director of Parks and Gardens and included an independent assessment process. Paul did not have any influence in George securing the job.

Paul has been identified as a KMP of council, which makes him a related party.

George will also be a related party of Council because he is a close family member of Paul. The recruitment process that was undertaken for George's position is irrelevant when assessing whether George is a related party.

##### **Example 3 (Cousin of Mayor - related party commonly known but omitted from declaration)**

Shelley, the President of Shire of Dumbleyung forgets to include her cousin Mavis, and Mavis' company, when she completes her KMP declaration.

It is commonly known in the community that Shelley and Mavis are close and that Shelley would be expected to influence, or be influenced by, Mavis in her dealings with Council and vice versa.

Mavis and her company are related parties of Council, even though Shelley omitted them from her declaration.

##### **Example 4 (Example of control)**

Fred is the President of Shire of Dumbleyung and owns 100% of the ordinary shares in Shire of Dumbleyung Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party declaration.

## SHIRE OF DUMBLEYUNG

### AASB 124 – “RELATED PARTY DISCLOSURES”

#### **Example 5 (Example of joint control)**

Fred is the President of Shire of Dumbleyung and owns 50% of the ordinary shares in Shire of Dumbleyung Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party declaration.

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#### **1.4 Bain Estate Future Fund (Deleted)**

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**Deleted:** 18 April 2024, Motion 2024/367

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## 1.5 Council Meetings – Meal Invitations

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**Policy Number:** 1.5

**Policy Subject:** Council Meetings – Meal Invitations

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for invitations to attend the meal after Council meetings.

**Guidelines:** Council, staff and their partner may be invited to attend the meal after Council meetings at the discretion of the Chief Executive Officer and in consultation with the Shire President.

Letters from Council to deserving person/s within the Shire may include an invitation to attend a Council dinner. There is to be a section in the Information Session for Council to discuss appropriate candidates.

**Forms & Templates:** Nil

**First Adopted:** 17 May 2018

**Amended:** 19 August 2021, Motion 2021/1110

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## 1.6 Council Meetings

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**Policy Number:** 1.6

**Policy Subject:** Council Meetings

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for the time and place that Council Meetings are held.

**Guidelines:**

1. Council Meetings commence at 4.00pm every month.
2. No regular Council Meetings will be held in the month of January unless urgent matters arise.

**Forms & Templates:** Nil

**First Adopted:** 19 December Motion 2019/809

**Amended:** 19 August 2021, Motion 2021/1110  
16 December 2021, Motion 2021/1191  
19 December 2024, Motion 2024/463

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## 1.7 Council Member Name Badges

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**Policy Number:** 1.7

**Policy Subject:** Council Member Name Badges

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for the purchase and disbursement of Council Member name badges.

**Guidelines:** Each Council Member is to have two name badges, one of which is to be kept in the Council Chambers for use when necessary.

**Forms & Templates:** Nil

**First Adopted:** 20 June 1985

**Amended:** 19 August 2021, Motion 2021/1110

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## 1.8 Council Members Requests and Works Requests

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**Policy Number:** 1.8

**Policy Subject:** Council Members Requests and Works Requests

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for Council Member requests and works requests.

**Guidelines:** All general enquiries for works maintenance made by Council Members are to be directed to the Chief Executive Officer or relevant Executive Officers for advice.

Works Requests for maintenance works in either roadworks or building maintenance are to be emailed to the Shire Office or on the contact form through the link on the Shire of Dumbleyung official website.

1. Staff are to be made aware of this requirement.
2. Works Requests –
  - a) The request for minor maintenance should be emailed to the office or on the contact form through the link on the Shire of Dumbleyung official website. Requests will be referred to the Director of Infrastructure for all outside maintenance and other relevant staff for all building maintenance.
  - b) The relevant officer will inspect the request or complaint and place it on the list of maintenance works according to priority.
  - c) In general, the request should not be used for special works such as having a specified section of road reconstructed, or a culvert installed.
  - d) Special works requests or major works should be discussed with the Director of Infrastructure.

**Forms & Templates:** Nil

**First Adopted:** 20 November 2008

**Amended:** 19 August 2021, Motion 2021/1110

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## 1.9 Council Members Reports

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**Policy Number:** 1.9

**Policy Subject:** Council Members Reports

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for the submission of Council Member Reports in the Council Agenda or Information Session.

**Guidelines:** Council Members reports to Council be written and submitted in time for inclusion in the meeting's Agenda whenever possible.

**Forms & Templates:** Nil

**First Adopted:** 18 February 1994

**Amended:** 19 August 2021, Motion 2021/1110



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## 1.10 Council Member Training Courses and Other Events

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**Policy Number:** 1.10

**Policy Subject:** Council Member Training Courses and Other Events

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for Council Member Training Courses and Other Events.

**Guidelines:** Council Members are to be entitled to full financial support as approved by Council to attend Council Member development courses and other events specifically designed for Council Members.

**Forms & Templates:** Nil

**First Adopted:** 20 October 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 1.11 Conference Expenses for Partners

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**Policy Number:** 1.11

**Policy Subject:** Conference Expenses for Partners

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for conference expenses for partners.

**Guidelines:** Council will pay for delegate's partner programs at conferences. Refer to Policy 1.13 for further guidelines.

**Forms & Templates:** Nil

**First Adopted:** July 1999

**Amended:** 19 August 2021, Motion 2021/1110  
21 July 2022, Motion 2022/099

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## 1.12 Code of Conduct for Council Members, Committee Members and Candidates

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**Policy Number:** 1.12

**Policy Subject:** Code of Conduct for Council Members, Committee Members and Candidates

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide all Council Members, Committee Members and Candidates with the Code of Conduct as attached and to make sure that they are aware of its content.

**Guidelines:** The Code of Conduct as attached is adopted, and forms part of these Guidelines:

Attachment 1 – Code of Conduct for Council Members, Committee Members and Candidates

All Council Members, Committee Members and Candidates of Local Government Elections are provided with the Code of Conduct upon their appointment and/or induction.

Pursuant to Council Resolution 2021/1045 and the Local Government (Model Code of Conduct) Regulations 2021 –

Clause 11 (3), Council has authorised the persons to receive Division 3 complaints and withdrawals of same, relating to Council Members, Committee Members and Candidates (that become Council Members):

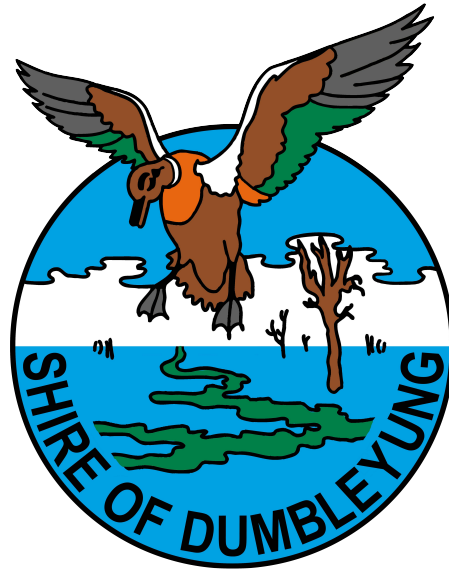
- i) Complaints about Council Members or Candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;
- ii) Complaints made by the Shire President excluding those made by the Deputy President – the Deputy Shire President;
- iii) Complaints about the Shire President – the Deputy Shire President; and
- iv) Complaints about the Deputy Shire President made by the Shire President – a committee comprising the remaining Council Members.

**Forms & Templates:** Attachment 1 – Code of Conduct for Council Members, Committee Members and Candidates

A person making a complaint, alleging a breach against the Code is to submit the complaint on the form approved by the Local Government as attached (Attachment 2).

**First Adopted:** 17 May 2018

**Amended:** 18 March 2021, Motion 2021/1045  
19 August 2021, Motion 2021/1110



# SHIRE OF DUMBLEYUNG

## CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

## **PREAMBLE**

The Model Code of Conduct provides Council Members, Committee Members and Candidates in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Model Code is complementary to the principles adopted in the Local Government Act and Regulations which incorporates four fundamental aims to result in:

- (a) better decision-making by local governments;*
- (b) greater community participation in the decisions and affairs of local governments;*
- (c) greater accountability of local governments to their communities; and*
- (d) more efficient and effective local government.*

The Code provides a guide and a basis of expectations for Council Members, Committee Members and Candidates. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

## **STATUTORY ENVIRONMENT**

The Model Code of Conduct observes statutory requirements of the Local Government Act 1995, Local Government (Administration) Amendment Regulations 2021 and the Local Government (Model Code of Conduct) Regulations 2021.

## **RULES OF CONDUCT**

Council Members, Committee Members and Candidates acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2021.

## **Division 1 — Preliminary provisions**

### **1. Citation**

This is the *Shire of Dumbleyung* Code of Conduct for Council Members, Committee Members and Candidates.

### **2. Terms used**

(1) In this code —

*Act* means the *Local Government Act 1995*;

*candidate* means a candidate for election as a council member;

*complaint* means a complaint made under clause 11(1);

*publish* includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

## **Division 2 — General principles**

### **3. Overview of Division**

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

### **4. Personal integrity**

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision-making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

### **5. Relationship with others**

(1) A council member, committee member or candidate should —

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive working environment.

## **6. Accountability**

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

## **Division 3 — Behaviour**

### **7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

### **8. Personal integrity**

- (1) A council member, committee member or candidate —
  - (a) must ensure that their use of social media and other forms of communication complies with this code; and
  - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
  - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
  - (b) must comply with all policies, procedures and resolutions of the local government.

### **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

### **10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and

- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint about alleged breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).



### 13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

### 14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
  - (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

### 15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

### 16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

### 17. Misuse of local government resources

- (1) In this clause —

*electoral purpose* means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

*resources of a local government* includes —

  - (a) local government property; and
  - (b) services provided, or paid for, by a local government.

- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

**18. Securing personal advantage or disadvantaging others**

- (1) A council member must not make improper use of their office —
  - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
  - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

**19. Prohibition against involvement in administration**

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

**20. Relationship with local government employees**

- (1) In this clause —

*local government employee* means a person —

  - (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
  - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

**21. Disclosure of information**

- (1) In this clause —

*closed meeting* means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

*confidential document* means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

*document* includes a part of a document;

*non-confidential document* means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
  - (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## **22. Disclosure of interests**

- (1) In this clause —

*interest* —

  - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
  - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

**23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

=====



# COMPLAINT ABOUT ALLEGED BREACH

## Shire of Dumbleyung

PO Box 99  
Dumbleyung WA 6350  
Phone: 08 9863 4012  
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[www.dumbleyung.wa.gov.au](http://www.dumbleyung.wa.gov.au)  
[enquiries@dumbleyung.wa.gov.au](mailto:enquiries@dumbleyung.wa.gov.au)

### Complaint About Alleged Breach Form

#### Code of Conduct for Council Members, Committee Members and Candidates

Schedule 1, Division 3 of the Local Government (Model Code of Conduct) Regulations 2021

- Note: A complaint about an alleged breach must be made:
- (a) in writing in the form approved by the local government;
  - (b) to an authorised person;
  - (c) within one month after the occurrence of the alleged breach.

#### NAME OF THE PERSON WHO IS MAKING THE COMPLAINT:

Name: \_\_\_\_\_  
(Given Name/s) Surname

#### CONTACT DETAILS OF PERSON MAKING THE COMPLAINT:

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Contact Number: \_\_\_\_\_

#### NAME OF THE LOCAL GOVERNMENT CONCERNED:

Shire of Dumbleyung

#### NAME OF COUNCIL MEMBER, COMMITTEE MEMBER, CANDIDATE ALLEGED TO HAVE COMMITTED A BREACH:

\_\_\_\_\_

**STATE THE FULL DETAILS OF THE ALLEGED BREACH. ATTACH ANY SUPPORTING EVIDENCE TO YOUR COMPLAINT FORM**


**DATE OF ALLEGED BREACH:**

\_\_\_\_ / \_\_\_\_ / 20\_\_\_\_

**SIGNED:**

Complainant’s Signature.....

Date of Signing: \_\_\_\_ / \_\_\_\_ / 20\_\_\_\_

**RECEIVED BY AUTHORISED OFFICER:**

Authorised Officer’s Name:\_\_\_\_\_

Authorised Officer’s Signature: .....

Date Received: \_\_\_\_ / \_\_\_\_ / 20\_\_\_\_

**NOTE TO PERSON MAKING COMPLAINT**

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. This complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complain form is to be forwarded to: Chief Executive Officer – Shire of Dumbleyung  
[ceo@dumbleyung.wa.gov.au](mailto:ceo@dumbleyung.wa.gov.au)

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## 1.13 Council Members – Conferences, Training and Travel and Out of Pocket Expenses

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**Policy Number:** 1.13

**Policy Subject:** Council Members —Conferences, Training and Travel and Out of Pocket Expenses

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for reimbursement of Council Members Conferences, Training and Travel and Out of Pocket Expenses.

**Guidelines:**

1. The Shire will meet all reasonable expenses of Council Members incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business authorised by Council or the Chief Executive Officer.
2. Such expenses may include –
  - Accommodation;
  - Meals;
  - Refreshments;
  - Travel; and
  - Other appropriate out-of-pocket expenses subject to budget allocations.
3. **Eligible Conferences, Training, Meetings etc.**  
Council Members are to be paid travel costs for the use of private vehicles at the rates determined by the Salaries and Allowance Tribunal Determination each year for any travel to and from Council whilst attending any of the following, as provided by the Local Government (Administration) Regulations 1996 -
  - Council Meetings (Ordinary and Special)
  - Meetings of Council appointed Committees
  - Annual and Special Meetings of Electors
  - Officially called Civic Receptions
  - Visits by Ministers of the Crown
  - Council authorised meetings with Government agencies
  - Other Council called meetings of Councillors and staff
  - Meetings where the Council member is representing the Shire of Dumbleyung.

When multiple Council Members are travelling to the same conference, training, meeting etc, carpooling when possible is preferred.

4. **Accommodation**  
Expenses automatically met by Council are limited to accommodation, registration fees, meals associated with registration, parking fees and breakfasts for Council Members only.

**5. Travel**

Unless otherwise authorised by Council, travel expenses will only be paid where –

- The Council Member is the appointed delegate to the organisation; or
- To an appointed deputy delegate, where the delegate is unable to attend, and the deputy is performing functions consistent with the principles of section 5.11A(3) and (4) of the Act.

**6. Other Expenses**

Unless otherwise authorised by Council or the Chief Executive Officer, meals, non-alcoholic refreshments, parking, taxi or other out of pocket expenses will be reimbursed to –

- Persons authorised to attend by Council;
- Delegate appointed by Council to the meeting or organisations; and
- Deputy delegate appointed by Council, only where attending in place of the appointed delegate.

**7. Accompanying Person**

Only at the WALGA Annual Convention, will the reasonable additional costs incurred by a partner accompanying a Council Member at that event, such as breakfasts, attending the official conference dinner, official sundowners, or Shire President or CEO convened dinners, partner tours or activities be met by the Shire. Other partner costs, such as lunches or evening meals not convened with the Shire President or CEO will not be met or reimbursed.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110  
21 July 2022, Motion 2022/099



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## 1.14 Regional Cooperation

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**Policy Number:** 1.14

**Policy Subject:** Regional Cooperation

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for regional cooperation.

**Guidelines:** Council supports the concept of regional cooperation and actively pursues resource sharing as a strategy to improve the sustainability of the Shire of Dumbleyung.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110

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## 1.15 Appointing an Acting Chief Executive Officer

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**Policy Number:** 1.15

**Policy Subject:** Appointing an Acting Chief Executive Officer

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for the Appointment of an Acting Chief Executive Officer.

**Guidelines:** When the CEO is on planned or unplanned leave, or the CEO's employment with the Shire of Dumbleyung has ended, an Acting CEO can be appointed in accordance with this Policy to fulfill the functions and perform the duties of the CEO under the Act or any other written law. This policy applies when the CEO is absent, on leave or otherwise unavailable to carry out their official duties.

In the case of the unavailability of the CEO due to an emergency, the Director of Corporate Services or the Director of Infrastructure, at the discretion of the CEO and Shire President, or if the CEO is incapacitated, at the discretion of the Shire President, can be automatically appointed as the Acting CEO for up to 4 weeks from commencement, and continuation is then subject to the determination of Council.

1. **Appointment of Acting CEO – Period of up to 4 weeks**

Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –

- Director of Corporate Services
- Director of Infrastructure

For the purposes of Section 5.36(2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions:

- a) The CEO is not an interim CEO or Acting in the position;
- b) The term of employment is no longer than four weeks; and
- c) That the employee's employment conditions are not varied other than the employee is entitled at the CEO's and the Shire President's discretion, no greater than up to 50% of the difference between the employee's salary and the CEO's salary during the Acting period.
- d) Following an appointment, the CEO is to advise Elected Members which employee has been appointed as Acting CEO as soon as possible.

2. **Appointment of CEO – Period of greater than 4 weeks but less than 12 months**

Where the CEO's extended period of leave is greater than 4 weeks but less than 12 months, Council is to appoint an Acting CEO in accordance with one of the following options:

- a) Extend any Acting CEO appointment made by the CEO.
- b) Commence an external recruitment process in accordance with principles of merit and equity prescribed in section 5.40 of the Act.

Council will determine by resolution, the remuneration and benefits to be offered to an Acting CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

The Acting CEO is to fulfil all the functions and perform all the duties of the CEO under the Act or any other written law and:

- a) Must be available, at a minimum, to perform their duties as an Acting CEO during regular office hours, Monday to Friday from 8.00am to 5.00pm.
- b) Must be available to provide representation and attend all key forums and meetings, including but not limited to:
  - i) Council Meetings;
  - ii) Committee Meetings;
  - iii) Representation at external meetings and organisations; and
  - iv) Community Forums.

Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting CEO appointment.

Note – CEO is a designated senior employee under the Act. There are not requirements to have designated employees other than for the purpose of automatic appointment as Acting Chief Executive Officer. Most requirements placed on designated employees are already covered by s.5.74 – to declare gifts and to make primary/annual declarations if making direct report to Council or exercising delegated authority.

**Forms & Templates:** Nil

**First Adopted:** 17 May 2018

**Amended:** 15 April 2021, Motion 2021/1053  
19 August 2021, Motion 2021/1110

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## 1.16 Continuing Professional Development

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**Policy Number:** 1.16

**Policy Subject:** Continuing Professional Development

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To recognise the importance of providing Council Members with the knowledge and resources that enables them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

To ensure that Council Members receive appropriate information and training to enable them to understand and undertake their responsibilities and obligations.

**Guidelines:** Pursuant to s5.126 of the *Local Government Act 1995* and Part 10 Training s35 of the *Local Government (Administration) Regulations 1996*, Council Members must complete the course titled Council Member Essentials which incorporates the following training units:

- a) Understanding Local Government;
- b) Conflicts of Interest;
- c) Serving on Council;
- d) Meeting Procedures; and
- e) Understanding Financial Report and Budgets.

Council's preferred provider for the training is Western Australian Local Government Association (WALGA).

All units and associated costs will be paid for by the Shire and must be completed within 12 months of the Council Members election. The training is valid for a period of five years.

Additionally, the Shire will publish on the Shire's website (within one month after the end of the financial year as per s5.127 of the *Local Government Act 1995*), the training undertaken by all Council Members.

It is Council's preference that the training is undertaken via the eLearning method which is the more cost-efficient form of delivery. However, it is acknowledged that there may be Council Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

### **Procedures**

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;

- The Budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of Council Members both individually and as a collective;
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

Consideration of attendance at training or professional development courses, other than the online Council Member Essentials, which are deemed to be approved, are to be assessed as follows:

- a) Events for the Shire President must be approved by the Deputy Shire President, in conjunction with the CEO; and
- b) Events for Council Members must be approved by either the Council or the Shire President, in conjunction with the CEO.

Note: any expenditure commitments associated with training or professional development must be performed by and authorised through the CEO.

**Forms & Templates:** Nil

**First Adopted:** 19 March 2020, Motion 2020/848

**Amended:** 19 August 2021, Motion 2021/1110

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## 1.17 Attendance at Events

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**Policy Number:** 1.17

**Policy Subject:** Attendance at Events

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** As required under the *Local Government Act 1995*, this policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid for by the Shire of Dumbleyung. The purpose is to provide transparency about the attendance at events by Council Members, the Chief Executive Officer ("CEO") and all employees of the Shire of Dumbleyung.

To provide guidance to Council Members and employees when an invitation to an event, function, or other hospitality occasion, ticketed or otherwise, is provided free of charge.

**Guidelines:** This policy applies to Council Members, the CEO and all employees of the Shire of Dumbleyung ("the Shire") in their capacity as Council Members or employee of the Shire.

Council Members, the CEO and Managers occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leaderships roles in the community. The event may be a paid event, a ticket/invitation may be gifted in kind, or it may be a free/open invitation event for the community in general.

### **Invitations**

- All invitations or offers of tickets for a Council Member, CEO or employee to attend an event should be in writing and addressed to the CEO.
- Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions of the *Act*.
- The following events are to be considered pre-approved by the Shire:
  - a) Advocacy, lobbying of Members of Parliament of Ministerial briefings (Council Members and CEO only);
  - b) Meetings of clubs or organisations within the Shire;
  - c) Any free event held within the Shire;
  - d) Australian or Western Australian Local Government events;
  - e) Events hosted by clubs or not for profit organisations within the Shire to which the Shire President, Council Member, CEO or employee has been officially invited;
  - f) Shire hosted ceremonies and functions;
  - g) Shire hosted events with employees;
  - h) Shire run tournaments or events;
  - i) Shire sponsored functions or events;
  - j) Community art exhibitions within the Shire or district;
  - k) Cultural events/festivals within the Shire or district;
  - l) Events run by Local, State or Federal Government;
  - m) Events run by schools within the Shire;

- n) Major professional bodies associated with Local Government at a Local, State or Federal level;
- o) Opening or launch of an event or facility within the Shire or district;
- p) Recognition of service events within the Shire or district;
- q) Where the Shire President, Council Member or CEO representation has been formally requested.

#### **Approval of Attendance**

In making a decision on attendance at an event that has not been pre-approved, Council will consider:

- a) Who is providing the invitation or ticket to the event;
- b) The location of the event in relation to the Shire (within the district or out of the district);
- c) The role the Council Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
- d) Whether the event is sponsored by the Shire;
- e) The benefit of Local Government representation at the event;
- f) The number of invitations/tickets received; and
- g) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

Decisions to attend events that are not pre-approved in accordance with this policy will be made by simple majority of Council.

#### **Approval of Attendance**

1. Where an invitation or ticket to an event is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the Council determines attendance to be of public value.
2. For any events where a member of the public is required to pay, unless previously approved and listed in this policy, Council will determine whether it is in the best interests of the Shire for a Council Member, CEO or another officer to attend on behalf of Council.
3. If the Council determines that a Council Member or CEO should attend a paid event, the Shire will pay the cost of attendance and reasonable expenses such as travel and accommodation.
4. Where partners of an authorised Shire representative attend an approved event, any tickets for that person will be paid for by the Shire.

**Forms & Templates:** Nil

**First Adopted:** 23 July 2020, Motion 2020/916

**Amended:** 19 August 2021, Motion 2021/1110

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## 1.18 Council Members Acknowledgement, Recognition and Gift Guidelines

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**Policy Number:** 1.18

**Policy Subject:** Council Members Acknowledgement, Recognition and Gift Guidelines

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for acknowledgement and recognition of Council Members including gift presentations.

To provide a consistent and equitable approach to acknowledgement of Council Member occasions such as weddings, engagements, births, illness/accidents, deaths, service milestones and staff resignations.

**Guidelines:**

**ADMITTANCE TO HOSPITAL DUE TO ILL HEALTH OR ACCIDENT**

- Flowers delivered to hospital to a maximum value of \$100 at the discretion of the President plus delivery as appropriate.
- Get well card from the President/Council Members/Chief Executive Officer as appropriate.

**DEATH OF CURRENT COUNCIL MEMBER**

- Bereavement notice in the newspaper.
- Flowers delivered to family to a maximum value of \$100 at the discretion of the President plus delivery as appropriate.
- Attendance at funeral by relevant colleagues.
- Sympathy card to family from the President/Council Members.
- Sympathy card to family from the Chief Executive Officer and Staff.
- Paid attendance of staff at the funeral during normal hours for the service only (at the discretion of the Chief Executive Officer).

**DEATH OF COUNCIL MEMBER'S HUSBAND, WIFE, CHILD OR PARTNER**

- Bereavement notice in the newspaper.
- Attendance at funeral by relevant colleagues (if appropriate).
- Sympathy card to family from the President/Council Members /Chief Executive Officer.

**DEATH OF EX-COUNCIL MEMBER (SERVICE OVER 10 YEARS)**

- Bereavement notice in the newspaper.
- Attendance at funeral by relevant colleagues (if appropriate)
- Sympathy card to family from the President/Council Members /Chief Executive Officer

**DEATH OF ELECTED MEMBER'S MOTHER, FATHER, BROTHER OR SISTER**

- Attendance at funeral by relevant colleagues (if appropriate).
- Sympathy card to family from the President/Councillors/Chief Executive Officer.

**DEATH (OTHER THAN PREVIOUSLY MENTIONED)**

- At the discretion of the President.



### **BIRTHS**

- Flowers delivered to hospital to a maximum value of \$100 at the discretion of the President plus delivery as appropriate.
- Contributions to a present at elected member discretion.

### **RECOGNITION OF DEPARTURE (RESIGNATION/END OF TERM)**

- This is covered under the *Local Government Act 1995* s5.100A Gifts to council members, and *Local Government (Administration) Regulations 1996* s34AC Gifts to council members, when permitted etc. The prescribed amount is currently a minimum of \$100 per year of service up to a \$1,000 total maximum.

### **Under Four Years**

- Card Only.
- Contributions to a present at elected member discretion.

### **Over Four Years (At Least One Full Four Year Term)**

- Card
- Contributions to a present at elected member discretion.
- Farewell function to be as part of a Council dinner or function (at the discretion of the President).
- Presentation of a gift voucher for \$100 per year of service.

### **Over Ten Years**

- Card.
- Contributions to a present at elected member discretion.
- Farewell function at the choice of departing elected member (either no event or a function to the maximum value of \$500 at the discretion of the President).
- Presentation of a certificate of service.
- Presentation of a gift voucher for \$1,000 (minus value of function).

### **Over Ten Years**

- Card.
- Contributions to a present at elected member discretion.
- Farewell function at the choice of departing elected member (either no event or a function to the maximum value of \$500 at the discretion of the President).
- Presentation of a framed certificate of service.
- Presentation of a gift voucher for \$1,000 (minus value of function).

### **RECOGNITION ON LENGTH OF SERVICE**

Any recognition of length of service will be via the Western Australian Local Government Association (WALGA) awards system.

**Forms & Templates:** Nil

**First Adopted:** 15 August 2019

**Amended:** 17 December 2020, Motion 2020/993  
19 August 2021, Motion 2021/1110  
21 April 2022, Motion 2022/038

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## 1.19 Standards for CEO Recruitment, Performance and Termination

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**Policy Number:** 1.19

**Policy Subject:** Standards for CEO Recruitment, Performance and Termination

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** The aim of the Standards for CEO Recruitment, Performance and Termination is to provide the local government with a consistent and equitable process for CEO recruitment, performance review and termination across all local governments, in accordance with the principles of merit, equity and transparency.

**Guidelines:** The Standards for CEO Recruitment, Performance and Termination as attached is adopted, and forms part of these Guidelines – Attachment 1 – Standards for CEO Recruitment, Performance and Termination.

**Forms & Templates:** Attachment 1 – Standards for CEO Recruitment, Performance and Termination.

**First Adopted:** 18 February 2021, Motion 2021/1030

**Amended:** 19 August 2021, Motion 2021/1110

## Schedule 2 — Model standards for CEO recruitment, performance and termination

[r. 18FA]

[Heading inserted: SL 2021/14 r. 7.]

### Division 1 — Preliminary provisions

[Heading inserted: SL 2021/14 r. 7.]

#### 1. Citation

These are the Shire of Dumbleyung *Standards for CEO Recruitment, Performance and Termination*.

[Clause 1 inserted: SL 2021/14 r. 7.]

#### 2. Terms used

(1) In these standards —

*Act* means the *Local Government Act 1995*;

*additional performance criteria* means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

*applicant* means a person who submits an application to the local government for the position of CEO;

*contract of employment* means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

*contractual performance criteria* means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

*job description form* means the job description form for the position of CEO approved by the local government under clause 5(2);

*local government* means the Shire of Dumbleyung;

*selection criteria* means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

*selection panel* means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

[Clause 2 inserted: SL 2021/14 r. 7.]

### Division 2 — Standards for recruitment of CEOs

[Heading inserted: SL 2021/14 r. 7.]

#### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

[Clause 3 inserted: SL 2021/14 r. 7.]

**4. Application of Division**

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
  - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
  - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

*[Clause 4 inserted: SL 2021/14 r. 7.]*

**5. Determination of selection criteria and approval of job description form**

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

*[Clause 5 inserted: SL 2021/14 r. 7.]*

**6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

*[Clause 6 inserted: SL 2021/14 r. 7.]*

**7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or
  - (ii) mail a copy of the job description form to a postal address provided by the person.

*[Clause 7 inserted: SL 2021/14 r. 7.]*

**8. Establishment of selection panel for employment of CEO**

- (1) In this clause —  
*independent person* means a person other than any of the following —
  - (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
  - (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

*[Clause 8 inserted: SL 2021/14 r. 7.]*

**9. Recommendation by selection panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

[Clause 9 inserted: SL 2021/14 r. 7.]

**10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

[Clause 10 inserted: SL 2021/14 r. 7.]

**11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

[Clause 11 inserted: SL 2021/14 r. 7.]

**12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the ***negotiated contract***) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

[Clause 12 inserted: SL 2021/14 r. 7.]

**13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —  
***commencement day*** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
  - (2) This clause applies if —
    - (a) upon the expiry of the contract of employment of the person (the ***incumbent CEO***) who holds the position of CEO —
      - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
      - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
- and

- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

*[Clause 13 inserted: SL 2021/14 r. 7.]*

#### **14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

*[Clause 14 inserted: SL 2021/14 r. 7.]*

### **Division 3 — Standards for review of performance of CEOs**

*[Heading inserted: SL 2021/14 r. 7.]*

#### **15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

*[Clause 15 inserted: SL 2021/14 r. 7.]*

#### **16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

*[Clause 16 inserted: SL 2021/14 r. 7.]*

#### **17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

*[Clause 17 inserted: SL 2021/14 r. 7.]*

**18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

*[Clause 18 inserted: SL 2021/14 r. 7.]*

**19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

*[Clause 19 inserted: SL 2021/14 r. 7.]*

**Division 4 — Standards for termination of employment of CEOs**

*[Heading inserted: SL 2021/14 r. 7.]*

**20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

*[Clause 20 inserted: SL 2021/14 r. 7.]*

**21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

*[Clause 21 inserted: SL 2021/14 r. 7.]*

**22. Additional principles applying to termination for performance-related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and



- (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

*[Clause 22 inserted: SL 2021/14 r. 7.]*

**23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

*[Clause 23 inserted: SL 2021/14 r. 7.]*

**24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

*[Clause 24 inserted: SL 2021/14 r. 7.]*

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## 1.20 Acknowledgement of Noongar People

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**Policy Number:** 1.20

**Policy Subject:** Acknowledgement of Noongar People

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for the acknowledgment of Noongar people.

**Guidelines:**

1. A Welcome to Country is to be arranged with a local Noongar Elder to recognise the traditional custodians of the area, for official major Shire of Dumbleyung events, including but not limited to –
  - a) Events celebrating Aboriginal and Torres Strait Islander people and culture such as the official opening of NAIDOC Week.
  - b) Australia Day and New Residents Reception.
2. An Acknowledgment of the Noongar people is to be read aloud at these events by the official representative of the Shire, and at other events where considered appropriate, including on the commencement of all Shire of Dumbleyung Council Meetings.
3. An Acknowledgement of the Noongar people is to be placed by the Shire of Dumbleyung in appropriate written forms, including but not limited to –
  - a) Shire of Dumbleyung Agendas and Minutes
  - b) Shire of Dumbleyung Strategic Community Plan
  - c) Shire of Dumbleyung Corporate Business Plan
  - d) Shire of Dumbleyung official website.
4. The following statement is the official Acknowledgement of Noongar people by the Shire of Dumbleyung –

*“The Shire of Dumbleyung acknowledges the traditional owners of the land, the Wilmen people, and pays respect to Elders past, present and emerging. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this Shire and this region.”*
5. That each financial year, a budget allocation of \$2000 be provided for in the Annual Budget for community and/or economic development projects or initiatives that support or promote Aboriginal and Torres Strait Islander culture and heritage in the Shire of Dumbleyung. The expenditure of the annual budget allocation will be determined at the discretion of the Chief Executive Officer and the Shire President.

**Forms & Templates:** Nil

**First Adopted:** 19 August 2021, Motion 2021/1110

**Amended:** 20 April 2023, Motion 2023/222

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## 1.21 Reference Checks - Recruitment and Employment with the Shire

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**Policy Number:** 1.21

**Policy Subject:** Reference Checks - Recruitment and Employment with the Shire

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To ensure the process for recruitment and selection is based upon the principles of merit, equal employment opportunity and confidentiality and to determine the suitability of potential candidates for employment.

**Guidelines:** The Shire is committed to ensuring recruitment and selection of prospective employees is in accordance with sections 5.36(10(b), 5.36(3) and 5.40 of the Local Government Act and as required under the Local Government (Administration) Amendment Regulations 2021 and the Shire's Standards for CEO Recruitment, Performance and Termination.

Reference checks are an important part of the selection process as they provide information on which to make comparisons between applicants.

This Policy applies to the recruitment and selection of all vacant positions.

### **CEO Recruitment**

1. The CEO Review and Recruitment Committee or the Shire President must conduct thorough reference checks for all preferred CEO applicants, both permanent and Acting positions.
2. Reference checks are to include additional people outside of those listed as referees, and which are included in their previous history of employment in their applications and resumes.
3. Reference checks must relate to the inherent requirements of the position; however, the referee should be allowed and encouraged to speak freely, therefore a free ranging conversation beyond the selection criteria should not be stopped.
4. The referee should be asked to provide factual information or to give examples of observations made or opinion given about the applicant.
5. Applicants, where relevant, must also be required to provide certified copies or originals of academic results, professional qualifications or work-related licences.
6. The outcomes of all reference checks are to be included as part of the evaluation process by the CEO Review and Recruitment Committee or the Shire President prior to appointment.

### **Staff Recruitment**

1. The Shire CEO must conduct thorough reference checks for all staff applications, both permanent and Acting positions.
2. Reference checks are to include additional people outside of those listed as referees, and which are included in their previous history of employment in their applications and resumes.
3. Reference checks must relate to the inherent requirements of the position; however, the referee should be allowed and encouraged to speak freely, therefore a free ranging conversation beyond the selection criteria should not be stopped.
4. The referee should be asked to provide factual information or to give examples of observations made or opinion given about the applicant.
5. Applicants, where relevant, should also be required to provide certified copies or originals of academic results, professional qualifications or work-related licences.
6. The outcomes of all reference checks are to be included as part of the evaluation process by the CEO prior to appointment.

**Forms & Templates:** Nil

**First Adopted:** 19 August 2021, Motion 2021/1110

**Amended:**

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## 1.22 Council Member Uniform

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**Policy Number:** 1.22

**Policy Subject:** Council Member Uniform

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To ensure that Council Members project a professional and tidy image, Council Members will be provided with a shirt/or shirts with the Shire of Dumbleyung logo and a Jacket with the Shire of Dumbleyung logo, which can be worn Council Member training and other Shire or Local Government related functions and events.

**Guidelines:** All Council Members will be provided with 1 x Polo Shirt with the Shire of Dumbleyung logo in accordance with these guidelines. The Shire President and Deputy President will also be provided with 1 x Dress Shirt with the Shire of Dumbleyung logo and 1 Jacket with the Shire of Dumbleyung logo.

Shirts and Jackets are to be issued to elected Council Members every two years, following ordinary or extraordinary elections. When they cease to become a Council Member, all shirts and jackets are to be returned to the Shire of Dumbleyung administration.

Council Members are encouraged to wear the shirt and jacket provided to meetings, functions and events where the Council Member is officially representing the Shire of Dumbleyung.

Council Members are not to wear the Shire of Dumbleyung logo shirt and jacket:

- At social engagements (sporting clubs, community groups and functions hosted by other organisations) when they are not attending in their capacity as a Council Member.
- At meetings, functions etc. where they are not the nominated Council Member representative.
- Socially or generally in public when they are not acting in their capacity as a Council Member.

**Forms & Templates:** Nil

**First Adopted:** 21 October 2021, Motion 2021/1155

**Amended:** 21 July 2022/ Motion 2022/099

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## 1.23 Legal Representation for Council Members & Employees

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**Policy Number:** 1.23

**Policy Subject:** Legal Representation for Council Members and Employees

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** This policy is designed to protect the interests of Council Members and employees (including past members and former employees) where they become involved in civic legal proceedings because of their official functions. In most situations the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

It is necessary to determine that assistance with legal costs and other liabilities is justified for the good government of the district.

### **Guidelines:**

#### **1. General Principles**

The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Shire or otherwise in bad faith.

The Shire may provide assistance in the following types of legal proceedings –

- a) Proceedings brought by members and employees to enable them to carry out their local government functions (eg. where a member or employee seeks a restraining order against a person using a threatening behaviour);
- b) Proceedings brought against members or employees, this could be in relation to a decision of Council or an employee which aggrieves the person (eg. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions); and
- c) Statutory or other inquiries where representation of members or employees is justified.

The Shire will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not prevented, however, from taking their own private action. Further, the Shire may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

The legal services under this policy will usually be provided by the Shire's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest, then the service may be provided by other solicitors approved by the Shire.

## **2. Applications for Financial Assistance**

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, in advance, if possible, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) An application is to be accompanied by an assessment of the request and a recommendation prepared by the CEO.
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, must ensure compliance with the financial interest provisions of the Local Government Act 1995.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value specified by Council.
- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.
- g) Any application is to be subject to an enforceable agreement to repay expenses incurred by the Shire, either –
  - In full but not exceeding the extent recovered by a member in accordance with 3(a) below, or
  - In full where 3(b) applies.

## **3. Repayment of Assistance**

- a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Shire.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire may take action to recover any such moneys in a court of competent jurisdiction.

**Forms & Templates:** Nil

**First Adopted:** 20 April 2023, Motion 2023/222

**Amended:**

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## 1.24 Audio Recording of Meetings

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**Policy Number:** 1.24

**Policy Subject:** Audio Recording of Meetings

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** This policy is designed to provide guidance in relation to the audio recording of Council Meetings.

**Background:** Section 5.23A of the Local Government Act 1995 is a power that allows regulations to be made that may require, regulate or otherwise make provision for any of the following matters:

- Electronic broadcasting of council meetings
- Making or retaining recordings of council meetings
- Making recordings of council meetings publicly available
- Provision, or otherwise making available, recordings of council meetings.

The requirements for recording of council meetings are aimed at increasing transparency and accountability in local government.

The requirements for recording commence on 1 January 2025.

**Guidelines:** Ordinary Council Meetings, Special Council Meetings and Annual Electors Meetings will be audio recorded from the start of the meeting to the end of the meeting commencing from 1 January 2025. The recording will be uploaded to the Shire of Dumbleyung official website within 14 days of the meeting taking place and the recording will be publicly available until, at least, the end of the period of 5 years after the meeting day.

There may be circumstances where the Shire of Dumbleyung is required to provide a copy of a meeting recording to the Departmental CEO if the Departmental CEO requests a copy.

The Presiding Member will make an announcement at the start of every meeting, drawing attention to the fact that the meetings will be audio recorded and that the recordings will be made publicly available on the website. The Presiding Member will advise the public that they should be aware of this when attending a meeting as their voice may be broadcast.

A sign will be predominantly displayed at each meeting notifying attendees that the meeting will be audio recorded and uploaded to the website.

If a meeting is held outside of the Council's usual meeting place, an audio recording of the meeting is still required.

If technology failure prevents a Council Meeting (or part of a meeting) from being recorded, the meeting may still proceed if the Shire of Dumbleyung



does everything reasonably practicable to make an improvised recording of the meeting.

If a meeting is recorded by improvised recording, the Shire of Dumbleyung must publish a notice on the website stating the following:

- That it was not possible for a recording of the meeting or part of the meeting to be made by means of the Shire of Dumbleyung's recording technology (with an explanation of why that was the case).
- That the improvised recording was made by other means other than the Shire of Dumbleyung's recording technology.
- The means by which the improvised recording was made (e.g. the technology used).
- Any deficiencies in the improvised recording (with an explanation of the reasons for those deficiencies).

If the Shire of Dumbleyung is unable to make an improvised recording, the Shire of Dumbleyung must publish a notice on the website stating the following:

- That it was not possible for a recording of the meeting or part of the meeting to be made by means of the Shire of Dumbleyung's recording technology (with an explanation of why that was the case).
- That no improvised recordings were made.
- That it was not reasonably practicable for the Shire of Dumbleyung to make any improvised recording (with an explanation of why that was the case).

The Shire of Dumbleyung must not publish and make publicly available, recordings of closed proceedings of meetings where confidential matters are deliberated by Council. This does not affect the Shire of Dumbleyung's obligations to make a recording of any closed proceedings of its Council, to retain the recording and to provide a copy of the recording to the Departmental CEO if requested.

All recordings are to be retained as part of the Shire of Dumbleyung's records in accordance with the State Records Act 2000.

The Shire of Dumbleyung is not liable to an action for defamation in relation to any of the following done by the Shire of Dumbleyung as required or authorised under Part 14K of the Local Government (Administration) Regulations 1996:

1. publicly broadcasting a meeting;
2. making a recording of the meeting;
3. making a recording of a meeting publicly available;
4. retaining a recording of a meeting or a copy of a recording;
5. providing a copy of a recording of a meeting to the Departmental CEO.

**Forms & Templates:** Nil

**First Adopted:** 18 April 2024, Motion 2024/367

**Amended:**

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## 1.25 Electronic Attendance at Meetings by Council Members

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**Policy Number:** 1.25

**Policy Subject:** Electronic Attendance at Meetings by Council Members

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** This policy is designed to provide guidance in relation to the electronic attendance at meetings by Council Members.

**Guidelines:**

**Request to Attend a Council Meeting Electronically**

1. Requests to attend a Council Meeting electronically are to be sent in writing or email to the President with a copy to the CEO at least 24 hours prior to the relevant meeting.
2. In the request, the Council Member is to outline the following:
  - a) Details of the location the Council Member will be attending from;
  - b) Details of the equipment to be used (if not using Shire supplied iPad) and electronic connection method;
  - c) Confirmation that confidentiality can be maintained; and
  - d) Any declarations of interest that are to be made for the relevant meeting.
3. The Presidents authorisation will have regard to whether the location from which the Council Member intends to attend the meeting, and the equipment to be used are suitable to enable the Council Member to effectively engage in deliberations and communications during the meeting.
4. Approval is to be provided in writing or email by the President and recorded in the Shire's record keeping system.
5. Should the request be denied, the request will be put to Council for consideration.
6. Should the President wish to attend a meeting electronically, the request is to be sent to the Deputy President with a copy to the CEO following the process outlined above.

**Request to Attend a Committee Meeting Electronically**

1. Requests to attend a Committee Meeting electronically are to be sent in writing or email to the President with a copy to the Committee Presiding Member and CEO at least 24 hours prior to the relevant meeting.
2. In the request, the Council Member is to outline the following:
  - a) Details of the location the Council Member will be attending from;
  - b) Details of the equipment to be used (if not using Shire supplied iPad) and electronic connection method;
  - c) Confirmation that confidentiality can be maintained; and

- d) Any declarations of interest that are to be made for the relevant meeting.
3. The Presidents authorisation will have regard to whether the location from which the Council Member intends to attend the meeting, and the equipment to be used are suitable to enable the Council Member to effectively engage in deliberations and communications during the meeting.
4. Approval is to be provided in writing or email by the President and recorded in the Shire's record keeping system.
5. Should the President wish to attend a Committee Meeting electronically, this request is to be forwarded to the Deputy President and copied to the Presiding Member and CEO following the process outlined above.
6. The relevant Committee does not have authorisation to approve electronic attendance. Should the request be denied, the Council Member may put the request to an Ordinary Meeting of the Council, if scheduling permits.

#### **Requests to Attend a Non-Legislated Meeting Electronically**

Requests to attend a non-legislated meeting electronically are to be sent to the CEO by no later than 24 hours prior to the relevant meeting.

#### **Location of Electronic Attendance**

1. The Council Member is to ensure that the location is indoors, quiet and private.
2. The location must have suitable controls (such as closing a door to an enclosed room) to ensure that confidentiality (where required) is not breached.

#### **Electronic Means**

1. The Shire will conduct electronic meetings utilising the platforms, Zoom or Microsoft Teams.
2. All meeting invitations will include a link to join the meeting electronically.
3. Council Members attending electronically are to join the meeting preferably at least 15 minutes prior to allow for sufficient testing of equipment and to resolve any technical issues.
4. Council Members must use a suitable network connection such as private home WIFI or a mobile hotspot from a trusted personal device.
5. Due to increased cyber security risks, Council Members are not permitted to connect via public WIFI (such as connections at cafes, airports, hotels and restaurants).

### **Equipment for Electronic Attendance**

Where practical, Council Members attending meetings electronically are to use equipment provided by the Shire (i.e. Council Member supplied iPad).

### **50% Cap on Electronic Attendance**

1. Council Members may only attend a legislated meeting by electronic means provided they have not attended more than half of legislated meetings in the previous (12) months by this method.
2. Council Members meeting attendance means will be recorded in the minutes of the relevant meeting.
3. The 50% cap does not apply to a Council Member who is a person with a disability as defined in Section 3 of the *Disability Services Act 1993* (WA).

### **Declaration of Confidentiality**

1. If the meeting or part of the meeting for which the Council Member is attending electronically is to be proposed to be closed or subsequently closed to the public, the Council Member must make a declaration that they can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).
2. The declaration is to be made at the beginning of the meeting and/or at the time that the meeting is closed to the public and recorded in the minutes of the meeting.
3. The wording of the declaration will be as follows:  
*"I, [Council Member Name], declare that I am able to maintain confidentiality during the closed part of the meeting. If I am no longer able to maintain confidentiality, I will excuse myself from the meeting."*
4. Should the Council Member make the above declaration and subsequently cannot maintain confidentiality, they must leave the meeting or the closed part of the meeting.

**Forms & Templates:** Nil

**First Adopted:** 18 April 2024, Motion 2024/367

**Amended:**

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## 1.26 Forums of Council – Workshops, Information Sessions and Agenda Briefings

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**Policy Number:** 1.26

**Policy Subject:** **Forums of Council – Workshops, Information Sessions and Agenda Briefings**

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** Local Government forums range from a once-only event to discuss and explore a particular issue, to a number of sessions to address matters such as a specified project or the compilation of a report for internal or external use, through to forums held at regular intervals with a consistent structure and objectives. This policy is intended to provide guidelines for Workshop's, Information Sessions and Agenda Briefings.

**Guidelines:** **Council Workshops & Information Sessions**  
Council Workshops and Information Sessions involve Elected Members and employees meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Council Workshops and Information Sessions often involve projects that are in the early planning stage and are some time away from being presented to Council for decision. In discussing such issues, employees are looking for general guidance from the Elected Members as they research the matter and draft the agenda report.

Elected Members and employees are also looking to present ideas and concepts for future consideration. If the response is favourable, employees can proceed with their research and eventually report on the matter.

Further, on occasions requests are made from external parties to present or workshop a matter with Elected Members.

Examples of the type of issues Council Workshops may cover include:

- current matters of a local or regional significance;
- matters relating to the future development of the local government;
- the development of internal strategic, planning, management and financial strategies and documents;
- development of the selection criteria and performance objectives for the Chief Executive Officer (CEO); and
- reports from Working Groups, Consultation Forums or other non-formal activities involving Councillors or employees.

### **Behind Closed Doors**

Behind closed doors and in a relatively informal manner are the two notable characteristics of Council Workshops and information Sessions. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem, some may be radical, expensive or impractical and never adopted.

### **Managing Council Workshops**

Unless otherwise determined by the CEO in consultation with the Shire President, Council Workshops will be held as required and as determined by the Chief Executive Officer and Shire President.

Council Information Session will be held on every third Thursday on conclusion of the monthly Ordinary Meeting of Council or as otherwise determined by the Chief Executive Officer or Shire President.

Debating, collective decision making or revelation of one's intention on how they will vote at a future Council or Committee Meeting is not permitted. Expressing an opinion or seeking clarification on matters under discussion generally, however, is appropriate and welcome.

The Chief Executive Officer is responsible for finalising the Council Workshop or Information Session Agenda and using his/her best endeavours to ensure statutory processes, existing Council strategic priorities and projects are prioritised for inclusion.

The Shire President will Chair these meetings or if the Shire President is not available then the Deputy Shire President. If neither are available, the Elected Members present shall choose a person who shall preside over the Workshop or Information Session so as to ensure the guidelines as addressed in this policy are adhered to.

A general record should be kept of the Workshop or Information Session noting attendance, requests for further information and interests declared. No minutes as such will be taken, nor will specific discussions, actions or outcomes be recorded, received or adopted at a later date.

### **Agenda Briefings**

For proper decision-making, Elected Members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the Council on which they must vote. It is reasonable for Elected Members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following Ordinary Council Meetings.

The complexity of many items means that Elected Members may need to be given additional context or information to that contained in the agenda report and/or they may need an opportunity to ask questions of relevant employees.

This is best achieved by Elected Members convening as a body to become better informed on issues listed for Council decision. Such assemblies have been termed Agenda Briefings. It is considered they are more efficient and effective than Elected Members meeting employees on an individual basis for such a purpose with the added benefit that all Elected Members hear the same questions and answers. To protect the integrity of the decision making process it is essential that Agenda Briefings are run with strict procedures.

### **Managing Agenda Briefings**

Agenda Briefings will be held half an hour preceding the monthly Ordinary Meeting of Council (OMC).

For Special Meetings of Council (SMC) the timing of the Agenda Briefing will be at the discretion of the CEO in consultation with the Shire President.

The Shire President shall Chair these meetings or if the Shire President is not available then the Deputy Shire President. If neither are available, the Elected Members present shall choose a person who shall preside over the Agenda Briefing so as to ensure the guidelines as addressed in this policy are adhered to.

Agenda Briefings shall not be open to the public and therefore no debate on the items shall be entered into during the Agenda Briefing as there shall be no opportunity for a collective Council decision or implied decision that binds the local government. Fundamental to this decision is that any debate shall be held at Council Meetings so as to ensure the public in attendance at a Council Meeting can see and hear the decisions and debate around Council decisions.

The purpose of the Agenda Briefing is to allow questions in relation to the item or to request further information from the CEO or other employee in relation to the item in a collective environment. A Councillor may still choose to raise issues associated with the Agenda independently through the CEO.

### **Conduct at All Forums of Council**

Councillors and employees shall adhere to the provisions of the Shire of Dumbleyung Code of Conduct for Council Members, Committee Members and Candidates and the Shire of Dumbleyung Code of Conduct for Employees, in relation to their conduct at all forums.

Forums shall run in a formal manner, with all questions being directed through the Chair.

### **Quorum**

A quorum does not apply to Forums, however if deemed necessary, the Chief Executive Officer in consultation with the Shire President may reschedule a Forum.

### **Managing Conflicts of Interest**

No Elected Member or staff member shall raise any matter at a Forum of Council for which they have or may perceive to have a Financial or Proximity Interest.

As a matter of probity and integrity, members and employees are required to make disclosures of interest in accordance with sections 5.59 – 5.90 of the Local Government Act 1995 (Financial and Proximity Interests) and clause 22 of the Shire of Dumbleyung Code of Conduct

for Council Members, Committee Members and Candidates. (Impartiality Interests).

Members shall make written disclosures of Interest to the Chair at all Forums.

Where the declaration is Financial, or a Proximity Interest the Councillor or employee shall leave the room for the duration of the discussions regarding the item so as not to add to the discussion in any manner and ensure appropriate independence for those members remaining.

**Forms & Templates:**

Nil

**First Adopted:**

19 December 2024, Motion 2024/463

**Amended:**



## **SECTION 2 – ADMINISTRATION / ORGANISATION**

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### **2.1 Annual Review of Policies**

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**Policy Number:** 2.1

**Policy Subject:** Annual Review of Policies

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines for to staff for the annual review of policies.

**Guidelines:** Council policies may be amended or introduced at any time during a year by Council Members or staff with the understanding the official Annual Review of Policies be deemed to have occurred at the April Ordinary Meeting of Council each year when, after due consideration of any issues raised, all policies shall be confirmed as current and correct.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.2 ANZAC Day Wreaths

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**Policy Number:** 2.2

**Policy Subject:** ANZAC Day Wreaths

**Responsible Officer:** Creditors & Records Officer

**Policy Statement:** To provide guidelines for the purchasing of ANZAC Day Wreaths.

**Guidelines:** Enough wreaths be ordered and purchased from a 'local' florist for each year's ANZAC Day ceremonies at Dumbleyung and Kukerin where requested.

Wreaths required –

- 1 for each school
- Up to 2 for the organisation running the event
- 1 for the Shire of Dumbleyung

Council and the Shire will also –

- Contribute \$200 towards the cost of catering on ANZAC Day;
- Provide of a wreath for the Vietnam Veterans to be laid by them at the ANZAC Day Ceremony; and
- Arrange appropriate seating for veterans, attendees and VIPs at the ceremony.
- Arrange and assist with traffic management.
- Assist in providing the use of the Shire's PA System and lectern.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222  
18 April 2024, Motion 2024/367

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## 2.3 Australia Day and New Residents Reception

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**Policy Number:** 2.2

**Policy Subject:** Australia Day and New Residents Reception

**Responsible Officer:** Creditors & Records Officer

**Policy Statement:** To provide guidelines for the Australia Day and New Residents Reception function.

**Guidelines:** **Australia Day Functions**  
Australia Day functions shall be combined with the New Residents Reception and the event will be alternated between Dumbleyung and Kukerin unless otherwise decided and will be well promoted and advertised. Local groups to provide their information for distribution at the function to new residents.

**New Residents Reception**  
New Residents Reception shall be combined with the Australia Day function and the event will be alternated between Dumbleyung and Kukerin unless otherwise decided and will be well promoted and advertised with the first such combined event being held in Kukerin. Local groups to provide their information for distribution at the function to new residents.

**Forms & Templates:** Nil

**First Adopted:** 20 December 2018

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222  
18 April 2024, Motion 2024/367

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## 2.4 Complaint Handling

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**Policy Number:** 2.4

**Policy Subject:** Complaint Handling

**Responsible Officer:** Administration Officer

**Policy Statement:** That the Shire of Dumbleyung will provide a consistently high level of customer service and that a complaints system will be used to monitor that service.

The primary objective of this policy is to turn dissatisfied customers into satisfied customers.

The secondary objectives are:

- 1) To monitor performance.
- 2) Identify the need for improvement or new services.
- 3) To avoid potential litigation.

**Guidelines:** The complaints procedure allows the customers/general public to provide written detail of their complaint.

All complaints received will be forwarded to the Chief Executive Officer.

A monthly report summarising any complaints received will be provided to Council via the Information Session. Complaints relating to staff will be summarised to the Chief Executive Officer. Complaints referring to the Chief Executive Officer will be referred to the Shire President. Complaint letters received anonymously will not be processed.

### **COMPLAINTS PROCEDURE**

#### **1) Verbal Complaints**

Listen carefully and maintain a positive approach. Repeat your understanding of the problem to the customer to check that you have understood. Write this down to document the issue. If the complaint is unclear, it can be helpful to ask "What is it that you would like to happen?", or "How can we help you with your concern?"

Decide if there is any action you can take to resolve the complaint. If there is, inform the customer and resolve the issue. If you are unable to resolve this issue, advise the customer that a Council Officer will contact them within 5 working days. The officer will either obtain more information and/or advise when the matter will be resolved.

Ask the complainant if they would prefer to put their complaint in writing. Advise the complaint to the Chief Executive Officer.

#### **2) Written Complaints**

When letters of complaints are received, they will be referred to the Chief Executive Officer. A letter will be sent advising that their complaint has been received and thanking them for providing feedback to Council. It will also advise that a Council officer will contact them

within 5 working days. The officer will either obtain more information and/or advise when the matter will be resolved.

### **RESOLVING COMPLAINTS**

#### **3) Record of Complaint**

- a) The Administration Officer will record the complaint and issue a complaints file number and file in a Complaints Register.
- b) The Administration Officer will assign the complaint to the relevant officer for resolution.

#### **4) Dealing with Complaints**

- a) The officer receiving the complaint will contact the customer and inform them what is happening to their complaint within 5 working days of receiving the complaint.
- b) If the complaint is resolved satisfactorily, record the action taken on the complaint and send it to the Records Officer for filing.

#### **5) Unresolved Complaints**

- a) If the complaint has not been resolved within 10 working days, the relevant officer will advise the Chief Executive Officer.
- b) The Chief Executive Officer will then contact the officer handling the complaint and determine what action can be taken to resolve the complaint.
- c) If the matter cannot be resolved at officer level, the matter will be referred to Council for resolution.
- d) Once Council has made a determination on the issue, the customer will be informed.
- e) A copy of the relevant page from the Minutes will be attached to the complaint's notation/letter by the Chief Executive Officer and then processed through the Complaints Register.
- f) If the complaint is still unresolved, the customer should be informed the matter can be referred to an external body such as the Local Government Department or Ombudsman.

#### **6) Reviewing Complaints**

On a monthly basis, a report of all complaints received, and the action taken to resolve the complaints will be forwarded to Council via the Information Bulletin. It will list the nature of the complaint, date received, action taken to resolve the complaint, whether the complaint was verbal or written and the date the complaint was resolved.

**Forms & Templates:** Nil

**First Adopted:** 20 November 2008

**Amended:** 19 August 2021, Motion 2021/1110  
21 April 2022, Motin 2022/038  
18 April 2024, Motion 2024/367

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## 2.5 Email Policy

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**Policy Number:** 2.5

**Policy Subject:** Email Policy

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines about email communications.

**Guidelines:**

**Introduction**

Email (external/internal) forms part of the official business communication of the Shire of Dumbleyung, as such email is governed by the same legislative requirements (State Records Act 2000) as all records.

Email sent or received contains information about business activities and therefore can function as evidence of business transactions in a court of law; they are subject to legal processes such as discovery and subpoena. The records may also be required by Royal Commissions, auditors and other people/bodies to whom they may be subject.

Electronic messaging systems are communication devices like the telephone, facsimile or post, and as such cannot be isolated from the records management system.

**Email as Official Records**

Email messages are official records of Council's business, legislation requires Council to be accountable for that business.

Transactions that provide evidence of business activities and are required for ongoing business should be documented in the records management system.

Email messages that document;

- What happened
- What was decided
- What advice was given
- Who was involved
- When it happened
- Order of events and decisions

All business emails (not including spam, ephemeral or personal emails) must be registered in Synergy with the appropriate contextual details and attachments and a copy printed and kept in a hard copy format in the filing system.

**Purpose of this Policy**

The purpose of this Policy is to ensure the proper use of the Shire of Dumbleyung's email system and applies to all Council employees, Council Members, contractors, consultants, temporary and casual staff, and other authorised personnel of the Shire of Dumbleyung.

Council makes electronic mail available to its staff so they may efficiently share and exchange information in the pursuit of Council's goals and objectives.

Council is a diversified organisation, where staff work varying hours and days, electronic mail allows Council staff to help overcome the barriers of time and space in communication.

### **Policy Statement**

- a) Council's email system and the messages sent through it are part of the Council's formal communication network. This means Council records now include information kept in electronic form.
- b) Email messages must be kept if they provide evidence of Council's business and activities, are needed for use by others or affect the work of others. Staff sending and receiving emails are responsible for deciding if an email message is considered to be a Council record and making sure that these messages are documented or printed out and placed on the appropriate file to provide a formal record.
- c) Email messages which become Council records must be retained in accordance with the approved retention periods listed in the Local Government Disposal Schedule.
- d) Access to email is limited to Council staff, or other authorised persons, who have been given a user identification and password. Staff must not give their password to another staff member or member of public and must not access other staff members email without appropriate authority. Unauthorised access to programs or information will result in disciplinary action.
- e) The Email system is part of Council's computer network and all the information processes, transmitted or stored in the system are the property of Council.
- f) Email is a business tool. Staff must make sure that all email messages are brief, concise and business related and are kept in the system only as long as required.
- g) Email messages that are retained as Council records are accessible to the public under Freedom of Information and Privacy legislation.
- h) Email systems should not be assumed to be secure. Staff must be aware of the potential risks involved in sending confidential or sensitive information by email.

### **Procedures for Use of Electronic Mail**

- a) Email should be treated with the same significance as the signed letter. Your password and the ability for you to send an email message has the same authority as signed correspondence.
- b) Email must be accessed at least once a day by each employee with access to a networked personal computer. Any unwanted email should be deleted.
- c) Staff can maintain their own email address book.
- d) Personal or private information such as personal notes or invitations, staff appraisals or job applications should not be included in an email message because it could be read by, or misdirected to, unauthorised persons. Messages may also continue to exist long after the sender has deleted them. Deletion eliminates the message or file name from your computer directory but the information itself exists in the back-up system until it has been overwritten.

- e) If you send an email message with a Council document as an attachment, you must note the details of the source of the document on the attachment. These details should include the addressee, the sender and the date and time of dispatch and receipt. Such details can be recorded as a file note on the corresponding physical file; however it is preferred that a hardcopy of the email and attachment is placed on the file with the required details.
- f) Email messages that are retained as part of Council records should be saved as a Word document. The message will be able to be sent to the records management system for attachment to a file.
- g) Remember that email is admissible as evidence in court so good judgment must be used and thought must be invested into what is written.
- h) Make sure email etiquette is followed. Messages must be kept polite and do not write in upper-case as this is considered 'shouting'. Only send information that is of value to the receiver and do not make messages High Priority unless they are truly urgent.

### **Information Protection and Confidentiality**

All email accounts are the property of the Shire of Dumbleyung and are provided to employees to be used primarily for legitimate business purposes, unless employees have prior approval from the Chief Executive Officer.

Email accounts are installed on a needs basis and are not automatically installed for all staff. A memo from a Manager forwarded to Chief Executive Officer is required for email connection. Staff granted access are responsible for managing all relevant emails received.

All email accounts including the data and messages contained within or transmitted via them are the property of the Council and are primarily intended for business use only.

All employees are advised that they do not have any personal or proprietary rights over such email accounts.

Council cannot guarantee the privacy or confidentiality of any email message sent internally or externally.

Council reserves the right, at any time and without consent of the user, to inspect, monitor, examine, copy, store, forward, delete and disclose the contents of email messages, especially in relation to subpoenas and legal disclosures.

The Chief Executive Officer is the only employee authorised to undertake such procedures under strict disclosure conditions.

Any email information deemed important should be printed and, if required, an electronic copy maintained away from the email system.

Council Members and Council employees must safeguard Council information and information belonging to others such as Council customers and suppliers from unauthorised or accidental disclosure, modification, damage or destruction, consistent with Council Policy.



Council employees should notify the Chief Executive Officer of any unusual systems behaviour immediately as this may indicate security or virus related problems.

Email records must remain accessible while they are required to meet business and accountability requirements.

Email records that will be incorporated into the Central Records management system must be protected from alteration or manipulation.

Access to email is limited to Council employees who have been given authorisation to do so and who have been given a user identification and password.

Virus infection on email systems is becoming more prevalent, viruses are being sent over the internet on a daily basis. The virus scanner installed on the network should not be totally relied on as no scanning software can give 100% guaranteed protection.

Unless file attachments (especially sent over the internet) can be positively identified they should be totally deleted and NOT opened as they may contain viruses. Notify the Chief Executive Officer if you receive questionable attachments or are unsure of what to do.

Scanned pictures should not be used in any circumstances as they can be altered (cut and pasted) to give the appearance that a document was signed officially.

#### **Inappropriate Usage of Email**

- a) Using email accounts for non-business purposes – i.e. 'junk' mail.
- b) Sending or distributing 'chain' letters, 'hoax' mail or for other mischievous purposes.
- c) Using email to solicit outside business ventures or actions in violation of Council Policy.
- d) Using email to distribute software which is inconsistent with any vendor's licence agreement.
- e) Using email to request, access, transmit or convey fraudulent, illegal, offensive, threatening, abusive or harassing materials which violates Council's Code of Conduct.
- f) Using language that may be offensive to another user i.e. profanity and obscenities.
- g) Use of email to harass, abuse, intimidate or interfere with the ability of others to conduct Council business.
- h) Unauthorised accessing of data to attempt to breach any security measures on the systems, attempting to intercept any data transmissions without authorisation.
- i) Sending email messages of a defamatory nature, email can be used as evidence in a court of law, Council can be held liable for published defamatory material.
- j) Use of email to disclose or transmit any classified, staff in confidence, commercial in confidence, restricted or sensitive material.
- k) The distribution of information via email (excluding business or personal messages i.e. birthday, baby birth or anniversary details) such as Trade Union or Community Group material must be authorised by the Chief Executive Officer.

### **Violations of this Policy**

Council employees who violate any copyright or licence agreements are acting outside the scope of their employment terms and conditions and will be personally responsible for such infringements.

Council employees may be subject to limitation on their use of email as determined by the Chief Executive Officer.

The Chief Executive Officer may undertake periodic monitoring, auditing and activities to ensure staff compliance with the acceptable usage of email in reference to this Policy.

Use of the email system indicates consent to such activities.

Council employees who violate this policy will be subject to disciplinary action.

Violating this Policy may also contravene the law or relevant legislation and subject the employee/Council to criminal or civil actions.

This Policy is issued under the authority of the Chief Executive Officer and will be reviewed and amended as required.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.6 Office Hours & Office Closure During Christmas and New Years Holidays

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**Policy Number:** 2.6

**Policy Subject:** Office Hours & Office Closure During Christmas and New Years Holidays

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for office hours and office closure over Christmas and New Year's Holidays.

**Guidelines:** The Shire of Dumbleyung office is to be open to the public between 8.30am and 4.30pm Monday to Friday, excluding public holidays.

The Council office shall be closed for the three days between Christmas and New Year provided adequate emergency staff contact procedures are put in place and the three days are accounted for by the two previous public service holidays as provided in the Local Government Officers Award, Clause 27.7 – Days in Lieu and/or adjustment to Rostered Days off.

Where the three day closure between Christmas and New Year falls midweek and the office is to reopen for one working day only (e.g. the Friday) it will be at the discretion of the Chief Executive Officer as to whether the office will remain closed for this day also.

At the discretion of the Chief Executive Officer, the office will close at 12.00pm on Christmas Eve provided adequate notice is given to the public. A copy of the office closure notice to be supplied to the local police for their information.

**Forms & Templates:** Nil

**First Adopted:** 16 April 2015

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.7 Plant Hire Period

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**Policy Number:** 2.7

**Policy Subject:** Plant Hire Period

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide administration with guidelines on the minimum hire period to be charged for plant hire.

**Guidelines:** That the minimum hire period for manned Shire plant be 1 hour.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.8 Records Management

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**Policy Number:** 2.8

**Policy Subject:** Records Management

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** The Shire of Dumbleyung is committed to sound records management practices to ensure that information is available to support its business functions and operations. Good recordkeeping supports accountability and transparency and ensures that records of ongoing historical and cultural significance are retained.

The purpose of this policy is to ensure that complete and accurate records and information from the Shire's business activities are created, captured, managed and retained or disposed of appropriately.

**Guidelines:**

**Records Ownership and Custody**

The ownership and custody of the Shire of Dumbleyung's records and information assets, resides with the Shire, irrespective of whether it was received or created by Shire Officers, Elected Members, contractors, consultants, volunteers and organisations performing work on behalf of the Shire. Regardless of type, format or media, all records and information resides within the Shire and not the individual.

The Shire of Dumbleyung will retain the custody and control of records and information in compliance with the *State Records Act 2000*, *State Records Principles and Standards 2002* and the Shire's *Recordkeeping Plan*.

**1. Roles and Responsibilities**

**1.1 Chief Executive Officer**

The Chief Executive Officer is accountable for the overall appropriateness and compliance of the Shire of Dumbleyung's records management system to the requirements of the *State Records Act 2000*. In addition, the Chief Executive Officer must also ensure that the organisational system for the capture and management of records and information is compliant with legislative requirements and meets best practice standards.

The Chief Executive Officer, together with all Shire staff, supports and fosters a culture of good recordkeeping within the Shire of Dumbleyung

**1.2 Managers and Shire Officers**

All Shire managers and officers are responsible for ensuring that records and information created as a result of their official roles, regardless of type, format or media, is captured into the Shire's recordkeeping system.

In addition, Shire staff must ensure that records and information is kept secure, made accessible and disposed of in an appropriate manner.

Shire officers who cease employment with the Shire of Dumbleyung must ensure that prior to departure, all of the records and information in their possession or under their control has been captured in the Shire's recordkeeping system as appropriate. This requirement applies regardless of type, format or media.

### **1.3 Third Parties (Individuals and Organisations)**

Any contract, agreement or other similar arrangement must include a requirement for external providers to manage records in accordance the Shire's *Recordkeeping Plan* and this Policy.

All Shire Officers, who are responsible for the contract, agreement or similar arrangement, must in liaison with the relevant third party(s) arrange for all records to be transferred to the Shire of Dumbleyung at the conclusion of the contract, agreement or similar arrangement. This is in adherence to the Shire's *Recordkeeping Plan* and with relevant *State Records Commission Standards*.

## **2. Access and Security**

### **2.1 Internal Access**

The Shire of Dumbleyung will work to ensure access to the records and information that is needed in order to undertake business activities. It will do this while maintaining appropriate security over records which contain classified, commercially sensitive and personal information.

The Shire's records and information asset is a corporate resource that can be accessed by any Shire Officer, except where the nature of the information requires security controls. The purpose of these controls are to protect:-

- a) The privacy of:
  - Individual Shire Officers;
  - Shire of Dumbleyung's stakeholders and ratepayers; and
  - Third parties working with/for the Shire.
- b) Records and information which are considered to be sensitive and confidential, as well as records and information, that if disclosed, may result in damage to the Shire's reputation, commercial interests, intellectual property or trade secrets.

### **2.2 Privacy**

The Shire of Dumbleyung will support the spirit and intent of all local and national legislation which relates to privacy. This includes the Australian Federal *Privacy Act 1988* and its thirteen Australian Privacy Principles. The Shire will act to ensure the security of personal information. It aims to protect it against loss and unauthorised access, use, modification or disclosure.

### **2.3 Access to Personal Information**

Records and information, including personal files, containing personal information about a Shire Officer or former officer is accessible to the individual concerned. Members of the Shire's staff who wish to view their own file may contact the Chief Executive Officer or Director of Corporate Services.

### **3. Records Management System**

The Shire of Dumbleyung will implement and maintain a records management system to capture, manage, retain and preserve records that are accurate, authentic, accessible and useable. Use of such a system will ensure that records are secure from unauthorised access, damage and misuse. The system will be managed to comply with the legislative and regulatory environment while supporting business processes.

Records to be captured and managed includes key records created, captured, received and used by the Shire of Dumbleyung in the normal course of business, regardless of type, format or media. This may include, but not be limited to hardcopy and electronic correspondence, email, facsimile, databases, social media and websites.

All Shire Officers and designated Third Parties will be provided records and information management training appropriate to their individual responsibilities under this Policy.

### **4. Disposal and Retention of Records**

Regardless of format or medium, key Shire of Dumbleyung's records and information may only be disposed of in accordance with the *State Records Office's General Disposal Authority for Local Government Records* and the *General Disposal Authority for Source Records*. This also applies to records and information held within business systems.

Disposal of all records and information, electronic and physical, will be undertaken in a secure manner and with the proper authorisation as stated in the Shire's *Recordkeeping Plan* and relevant procedures and guidelines.

### **5. State Archives**

Records designated as State Archives will be held by the Shire of Dumbleyung until required by the State Records Office. These records will be held in secure and monitored premises.

### **6. Investigations or Inquiries**

If an Investigation or Inquiry is in progress (or likely or imminent), or if a request for access to information under the *Freedom of Information Act 1992* has been lodged, all records relevant or subject to the Investigation/Inquiry/FOI request must be identified and retained until the action and any subsequent actions are completed. This applies regardless of whether the records in question are due for destruction.

## **7. Records Relating to Aboriginal People**

The Shire of Dumbleyung will abide by the requirements of the *State Records Act 2000* in respect to records relating to Aboriginal People.

**Forms & Templates:** Nil

**First Adopted:** 18 April 2019

**Amended:** 19 August 2021, Motion 2021/1110  
18 April 2024, Motion 2024/367



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## 2.9 Robert and Daphne McIntyre Award

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**Policy Number:** 2.9

**Policy Subject:** Robert and Daphne McIntyre Award

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines to ensure that the timeframe for the Robert and Daphne McIntyre Award is met.

**Guidelines:** Following the Selection Panel decision on the recipient of the Robert & Daphne McIntyre Award the following communication must take place in the prescribed timeframe where practicable:

- A phone call to the award recipient - The day following the meeting.
- A phone call to the unsuccessful interviewees - The day following the meeting.
- A letter to the award recipient - Sent the day following the meeting.
- A letter to each unsuccessful interviewee - Sent the day following the meeting.

**Forms & Templates:** Nil

**First Adopted:** 11 December 2013

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.10 Council Member Induction

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**Policy Number:** 2.10

**Policy Subject:** Council Member Induction

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for Council Members inductions.

**Guidelines:** That upon the election of a new Council Member, the Chief Executive Officer make themselves available to perform a Councillor Induction. The induction can be modified as per the Chief Executive Officer, but a suggested outline be as follows:

**Initial Session (Before First Council Meeting)**

- Declaration of office – When, Where, Making the Declaration
- Council Meeting Protocol and Standing Orders
- Disclosure of Interest and Conflicts of Interest
- Voting Requirements
- Importance of Honesty and Integrity
- Primary and Annual Returns
- Council Members Fees and Expenses
- Role of Local Government
- Roles and Responsibilities
- Council Meetings
- Committee Meetings
- Role of Committees
- Other Meetings
- Agendas and Minutes
- Absence from Meetings
- Council Policies
- Induction/Training Courses Available
- How to Get Something Done
- Significant Events
- Briefing Notes
- How to Use iPad
- Other Council Members Names and Contact Details

**Follow Up Session (Six Months After Election)**

- Insurance Coverage of Council Members
- Defamation and Limited Privilege Protection
- Regional Meetings and Groups
- Integrated Plans
- Annual Budget
- Department of Local Government
- Obtaining Advice and Information

**Forms & Templates:** Nil

**First Adopted:** 17 May 2018

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.11 Public Interest Disclosure Act 2003

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**Policy Number:** 2.11  
**Policy Subject:** Public Interest Disclosure Act 2003  
**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** Support for the staff who make Public Interest Disclosures.

The Shire of Dumbleyung does not tolerate corrupt or other improper conduct, including the mismanagement of public resources, in the exercise of the public functions of the Shire of Dumbleyung and its officers, employees and contractors.

The Shire of Dumbleyung is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by its staff as to corrupt or other improper conduct.

The Shire of Dumbleyung will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire of Dumbleyung does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

**Guidelines:**

**Purpose of this Policy**

These internal procedures provide for the manner in which the Shire of Dumbleyung will comply with its obligations under the *Public Interest Disclosure Act 2003*. They provide for the manner in which:

- Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer).
- The person from time to time holding or acting in the position of Chief Executive Officer is designated as the Public Disclosures Officer of the Shire of Dumbleyung.
- The PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- The PID Officer may take action following the completion of the investigation.
- The PID Officer shall report to the informant as to the progress and outcome of that investigation and the action taken as a consequence.
- The confidentiality of the informant, and any person who may be the subject of a public interest disclosure, shall be maintained.
- Records as to public interest disclosures shall be maintained and reporting obligations complied with.

**Forms & Templates:** Nil

**First Adopted:** 21 September 2006

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.12 Risk Management Policy

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**Policy Number:** 2.12

**Policy Subject:** Risk Management Policy

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** The Shire of Dumbleyung's Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.

**Guidelines:**

**Policy**

It is the Shire of Dumbleyung's Policy to achieve best practice (aligned with AS/NZS ISO 3100:2009 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.

Every employee within the Shire of Dumbleyung is recognised as having a role in Risk Management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

**Objectives**

The objectives of the Risk Management Policy are:

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

**Monitor and Review**

The Shire of Dumbleyung will implement and integrate a monitor and review process to report on the achievement of the Risk Management objectives, the management of individual risks and the ongoing identification of issues and trend.

This policy will be kept under review by the Shire's management team and its employees. It will be formally reviewed biennially.

**Forms & Templates:** Nil

**First Adopted:** 20 November 2014

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.13 Communications and Social Media Policy

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**Policy Number:** 2.13

**Policy Subject:** Communications and Social Media Policy

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** This policy establishes protocols for the Shire of Dumbleyung's official communications with our community to ensure the Shire of Dumbleyung is professionally and accurately represented and to maximise positive public perception of the Shire.

This policy applies to both communications initiated or responded to by the Shire with our community and Council Members when making comment in either their Shire role or personal capacity.

To provide guidance to Council Members and employees in the responsible use of social media in all forms and set down communication protocols.

### Guidelines:

#### 1. **Official Communications**

The purposes of the Shire's official communications include:

- Sharing information required by law to be publicly available;
- Sharing information that is of interest and benefit to the Community;
- Promoting Shire events and services;
- Promoting Public Notices and community consultation/engagement opportunities;
- Answering questions and responding to requests for information relevant to the role of the Shire; and
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases prepared for the President to promote specific Shire positions;
- Social media; and
- Community newsletters, letterbox drops, and other modes of communications undertaken by the Shire's Administration at the discretion of the CEO.

#### 2. **Speaking on behalf of the Shire**

The President is the official spokesperson for the Shire and may represent the Shire in official communications, including; speeches, comment, print, electronic and social media. [ s.2.8(1)(d) of the *Local Government Act 1995*]

Where the President is unavailable, the Deputy President may act as the spokesperson. [s.2.9 and s.5.34 of the *Local Government Act 1995*]

The CEO may speak on behalf of the Shire, where authorised to do so by the President. [s.5.41(f) of the *Local Government Act 1995*]

A staff member may be appointed to speak on the behalf of the Shire, where authorised to do so, and at the discretion of the Shire President and Chief Executive Officer.

The provisions of the *Local Government Act 1995* essentially direct that only the President, or the CEO if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the President has had opportunity to speak on behalf of the Shire.

Communications by Council Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the Shire into disrepute,
- compromise the person's effectiveness in their role with the Shire,
- compromise the effectiveness of the Shire;
- imply the Shire's endorsement of personal views, or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.

Council Member communications must comply with the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

### **3. Responding to Media Enquiries**

All enquiries from the Media for an official Shire comment, whether made to an individual Council Member or Employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the President or CEO (where authorised) to make an official response on behalf of the Shire.

Council Members may make comments to the media in a personal capacity – refer to clause 7.1 below.

### **4. Website**

The Shire will maintain an official website, as our community's on-line resource to access to the Shire's official communications.

### **5. Social Media**

The Shire uses Social Media to facilitate interactive information sharing and to provide responsive feedback to our community. Social Media will not however, be used by the Shire to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Shire maintains the following Social Media accounts:

- Social networks such as Facebook;
- Media Sharing networks such as Instagram;
- Micro-blogging networks such as Twitter.
- Apps (applications) such as WIX.

The Shire can also update content to third party apps such as the WALGA app Localeye but does not maintain content on these apps.

The Shire may also post and contribute to Social Media hosted by others, so as to ensure that the Shire's strategic objectives are appropriately represented and promoted.

The Shire actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire will moderate its Social Media accounts and where necessary delete content which is deemed to be inappropriate content as soon as the Shire becomes aware or as soon as practicable once notified.

Where a third-party contributor to the Shire's social media account is identified as posting content which is deleted in accordance with the above, the Shire may at its complete discretion block that contributor for a specific period of time or permanently.

### **5.1 Council Member Social Media Official Accounts**

Where a Council Member chooses to use social media in fulfilling their role under section 2.10 of the *Local Government Act 1995*, he/she will moderate their own Social Media accounts to address and where necessary delete Inappropriate Content, with the exception of b), i), j) and l) as identified in the definition as soon as the Council Member becomes aware or as soon as practicable once notified.

### **5.2 Use of Social Media in Emergency Management and Response**

The Shire will use Facebook to communicate and advise our community regarding Emergency Management.

## **6. Record Keeping and Freedom of Information**

Official communications undertaken on behalf of the Shire, including on the Shire's Social Media accounts and third-party social media accounts must be created and retained as local government records in accordance with the Shire's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.

## **7. Personal Communications**

Personal communications and statements made privately in conversation, written, recorded email or posted in personal social media have the potential to be made public, whether it was intended to be made public or not. Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Council Members and employees must ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

### **7.1 Council Members Statements on Shire Matters**

A Council Member may choose to make a personal statement publicly on a matter related to the business of the Shire. Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire;
2. Be made with reasonable care and diligence;
3. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;



4. Be factually correct;
5. Avoid damage to the reputation of the local government;
6. Not reflect adversely on a decision of the Council;
7. Not reflect adversely on the character or actions of another Council Member or Employee;
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member.

A Council Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this policy, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a serious breach of the *Local Government Act 1995* and may be referred for investigation.

#### Definitions

**Social Media** - Social media is a tool for communication and sharing of information.

#### **Inappropriate Content**

- a) is offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- b) is promotional, soliciting or commercial in nature;
- c) is unlawful or incites others to break the law;
- d) is overtly sexual or explicit;
- e) is threatening or describing violent events or behaviours;
- f) refers to or encourages the use of illegal drugs;
- g) is harassing or hateful to an organisation or person, including the Shire, our employees, stakeholders, associates and suppliers;
- h) contains information which may compromise individual or community safety or security;
- i) is repetitive material copied and pasted or duplicated;
- j) promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- k) violates intellectual property rights or the legal ownership of interests or another party; and
- l) contains inappropriate content or comments at the discretion of the Shire.

**Forms & Templates:** Nil

**First Adopted:** 20 February 2020, Motion 2020/830

**Amended:** 19 August 2021, Motion 2021/1110

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## 2.14 Freedom of Information Statement

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**Policy Number:** 2.14

**Policy Subject:** Freedom of Information Statement

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** This information statement is published by the Dumbleyung Shire Council in accordance with the requirements of the *Freedom of Information Act 1992 Part 5, Section 94*.

The Dumbleyung Shire Council is pleased to comply with the legislation and welcomes enquiries.

**Guidelines:**

**Structure and Functions of Council**

The Shire of Dumbleyung is constituted under the *Local Government Act 1995* as amended and is empowered by the said Act to carry out the functions of a municipality as stated in the Act.

Council consists of seven Council Members who elect a Shire President. Full Council is the decision making body on all policy matters.

Ordinary meetings of the full Council are held on the third Thursday of each month at 3.30pm with the following exceptions:

- There is no Council meeting held in January unless necessary as per Council Policy – Council Meetings in January.

Members of the public are welcome to attend as observers.

**Standing Committees**

Council have the following Committees:

- Audit & Risk Committee
- Works and Engineering Committee
- Fence Road Drain Committee

**Advisory Committees**

Council have established the following advisory Committees and have delegates to them:

- Local Emergency Management Committee
- Dumbleyung Hospital Watch Committee
- Bush Fire Advisory Committee

**Working Groups**

Council have delegates to the following working groups:

- Stubbs Park Development Project Working Group

**Project Advisory Groups**

Council have delegates to the following project advisory groups:

- Kukerin Townscape, Tourist & Tidy Towns Project Advisory Group
- Dumbleyung Townscape, Tourist & Tidy Towns Project Advisory Group

## **Representation on External Organisations**

Council have delegates to the following external organisations:

- Regional Road Sub Group & Wheatbelt Secondary Freight Network
- Central Country Zone WALGA
- Dumbleyung LCDC
- 4WDL
- Robert & Daphne McIntyre Award Selection Panel
- Development Assessment Panel (DAP)

## **Council Agendas and Minutes**

Agendas of all full Council meetings are available to those who attend Council meetings and the Minutes of the meetings are available for public inspection at the Shire Office, available on the Shire of Dumbleyung official website and can also be subscribed to annually.

## **Delegation of Authority**

The Chief Executive Officer and other Shire officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegated authorities are listed in Council's Policy Manual and are reviewed periodically by Council.

Council makes decisions which direct and/or determine its activities and functions. These decisions include the approval of works and services to be undertaken and the resources which are to be made available to undertake such works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents and others for various forms of development. These decisions are in accordance with legislative requirements of ordinary business of Councils, as per the *Local Government Act 1995*.

## **Statement of Objective**

The Shire of Dumbleyung is devoted to providing high quality services to the community via the various service orientated programs that it has formulated.

## **Mission Statement**

The Council will strive to provide the community with the necessary services and facilities to meet the needs of the residents that will enable them to enjoy a pleasant and healthy way of life.

## **Services to the Community**

Full Council makes decisions on policy issues relating to services that are provided for members of the public. The services Council currently provide include the following:

- Roads/footpaths/kerbing/drainage/bridges
- Traffic Control
- Refuse collection and disposal
- Recycling Service
- Parks, gardens and reserves
- Community halls
- Community recreation grounds and pavilions
- Child health and medical services
- Animal control
- Fire protection and prevention
- Environmental health

- Street lighting
- Litter bins
- Public conveniences
- Playground equipment
- Library facilities
- Building controls
- Planning controls
- Health controls
- Community housing
- Caravan parks
- Short Term Accommodation
- Standpipes
- Noxious weeds and vermin control

### **Public Participation**

#### ***Council Meetings***

Members of the public have a number of opportunities to put forward their views on particular issues to Council.

- ***Council Members***  
Members of the public can contact their Council Members of Council to discuss any issue relevant to Council.
- ***Written Requests***  
A member of the public can write to Council on any Council policy, activity or service.
- ***Deputations***  
With the permission of the Shire President, a member of the public can address the Council for a period of time determined by Council on any issue relevant to Council.
- ***Written Petitions***  
Can be addressed to Council on any matters within Council's jurisdiction.
- ***Presentations***  
Can be made to Council, where prior notification has been given to Council and approval received, on any issue relevant to Council.
- ***Question Time***  
Members of the public can attend monthly full Council meetings and pose questions during public question time as provided for in the Standing Orders.

#### ***Community Consultation***

The Dumbleyung Shire Council consults with its residents on particular issues which affect them. The following is an example:

#### ***Bushfire Fire Break Order***

*A survey/questionnaire was sent to all rural landholders to obtain their view on voluntary/compulsory firebreaks, before setting the 1994-1995 regulations.*

## **Access to Council Documents**

### ***Documents available for Inspection***

In accordance with *Section 5.94 of the Local Government Act 1995*, the following documents are available for public inspection at the Council office free of charge or can be viewed on Council's website. Members of the public may purchase copies of these documents at the current rates as charged by Council for photocopies:

- Council Minutes
- Policy Manual
- Annual Council Budget
- Annual Report
- Council Local Laws
- Allowances and Benefits
- Rates Book and Property Register
- Electoral Roll
- Register of public streets and roads
- Local Government Act
- Vouchers and payments
- Code of Conduct
- Register of Financial Interests
- Schedule of Fees and Charges
- Plan for the Future
- Minutes of Electors Meeting
- Notice papers and Agendas

*Section 5.95 of the Local Government Act 1995* provides that certain information is excluded from public inspection.

Requests for other information not included in *Clause 11.1* above, will be considered in accordance with the provisions of the *Freedom of Information Act 1992*. Under this legislation an application fee and a search fee must be submitted with the completed request application form unless the information requested is personal information about the applicant or the applicant has been granted an exemption.

**Forms & Templates:** Nil

**First Adopted:** 20 April 2017

**Amended:** 19 August 2021, Motion 2021/1110  
21 April 2022, Motion 2022/038  
18 April 2024, Motion 2024/367

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## 2.15 Honorary Freeman of the Municipality

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**Policy Number:** 2.15

**Policy Subject:** Honorary Freeman of the Municipality

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** The Shire of Dumbleyung from time to time acknowledges the remarkable contributions of individuals to our community by granting them the honorary title of Freeman of the Shire of Dumbleyung. This policy provides clarity and guidance on the eligibility and on the invitations extended to Freeman that are living to various civic functions and events, emphasising their special connection to the Shire. The term Freeman in the context of this policy is a gender-neutral designation.

**Guidelines:** **Criteria for Freeman Status**  
Freeman of the Shire of Dumbleyung is an esteemed title awarded to individuals who have demonstrated exceptional dedication and service, significantly advancing the Shire's strategic interests and benefitting the greater community. Each application for Freeman status shall be assessed on its merits, considering the nominee's profound contributions to the Shire.

**Nomination Process**

The community is encouraged to nominate individuals for consideration as Freemans at any time. Nominations must be submitted in writing, addressing the confidentially to the Chief Executive Officer. Nominees should not be consulted or informed of their nominations. The Council will deliberate on nominations in the confidential item of the meeting agenda.

**Entitlements of Freeman**

Any individual granted the title of Freeman of the Shire of Dumbleyung may officially use this designation.

Freeman shall be honoured with a special badge and certificate during a ceremony hosted by the Council to acknowledge their Freemanship.

Freeman will be invited to all civic functions and events, including to the following non-exhaustive list:

- Shire of Dumbleyung Australia Day & Welcome to New Residents Events
- Swearing in Ceremonies for Elected Members
- Opening ceremonies for Civic Buildings
- Special Commemorative events
- Community (Shire sponsored) events
- Other significant events as determined by the Shire President, Chief Executive Officer or the Council.

If the event of the death of an Honorary Freeman of the Municipality, the Shire of Dumbleyung district flags are to be offered to the family to borrow for use at the funeral or wake if desired.

A photograph of the Freeman should be displayed in the Shire of Dumbleyung Council Chambers to commemorate their invaluable contributions.

**Current Awardees**

- Mr Owen Mott (Deceased)
- Mr Owen Dare (Deceased)
- Mr Terry Murphy
- Mr Graeme Smith
- Mr Gordon Davidson

**Eligibility Criteria**

1. A Council Member or Ex-Council Member, after the completion of at least 20 years of service during which time he/she has served as a Shire President or Deputy President or otherwise demonstrated exemplary and committed devotion to the Council; or
2. A community member, after the completion of at least 30 years of exemplary and committed devotion to the community which has been well recognised by Council and the general community.

**Forms & Templates:** Nil

**First Adopted:** 20 May 2004

**Amended:** 19 August 2021, Motion 2021/1110  
18 April 2024, Motion 2024/367

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## 2.16 Honorary Citizenship

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**Policy Number:** 2.16

**Policy Subject:** Honorary Citizenship

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for the conferral of the Honorary Citizenship of the Shire of Dumbleyung.

Honorary Citizenship may be granted to an individual who is considered to be especially admirable or worthy of the distinction. It is a symbolic honour; the recipient does not receive any rights, privileges or duties typically held by an Australian citizen. Current and ex-citizens of the Shire of Dumbleyung are not eligible for this award.

**Guidelines:**

**Selection Criteria**

The following guidelines apply to the selection of the recipients of Honorary Citizenship of the Shire of Dumbleyung:

- The individual must have attained a high level of achievement and service in business, educational or cultural activity relating to the Shire of Dumbleyung.
- The individual must have made significant and meritorious contributions through their profession or qualifications to a field or cause relating to the Shire of Dumbleyung.
- The individual is an international visitor of note, or
- Granting of the Honorary Citizenship is in the interests of the Shire of Dumbleyung.

**Decision Making**

Nomination must be in writing to Council. Worthy candidates will be made by an absolute majority decision of Council.

The nominee's acceptance of the Honour is to be confirmed prior to its public announcement.

A formal certificate will be presented to the accepting recipient.

**Forms & Templates:** Nil

**First Adopted:** 20 November 2014

**Amended:** 19 August 2021, Motion 2021/1110



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**2.17 Landcare Coordinator (Deleted)**

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**Deleted:** 01 August 2022, Motion 2022/056

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## 2.18 Emails to Councillors and WhatsApp

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**Policy Number:** 2.18

**Policy Subject:** Emails to Councillors and WhatsApp

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines and procedures for sending emails to Councillors, whether it be to an individual Councillor email, multiple Councillor emails or using the group Councillor contact email.

**Guidelines:** **Emails with No Response Required**  
If an email sent to a Councillor/s does not require a response, the subject line is to include “FYI” at the beginning of the subject line and then the description eg:

FYI – April Agenda

**Emails with a Response Required**

If an email sent to a Councillor/s requires a response, the subject line is to include “PLEASE RESPOND” at the beginning of the subject line and then the description eg:

PLEASE RESPOND – Annual Budget

**Email Subjects**

Only one subject is to be discussed in an email, if you have more than one thing to discuss or if you have an email that requires a response and one that doesn't, then they must be sent in separate emails with subject lines as above.

**Email Timeframes**

If an email requires a response, do not give a lengthy timeframe for the Councillor/s to respond. Doing this could result in the Councillor/s delaying their response until they have had more time to read the information and send an informed reply and then possibly fail to remember that they have needed to reply to the email. On occasion a follow up PLEASE RESPOND email may be required.

**WhatsApp**

A Shire of Dumbleyung WhatsApp Group has been set up with all Councillors, Executive Staff and the Governance & Compliance Officer. If an email has been sent that requires a response, a WhatsApp message is to be sent to the Group informing them that they have an email that requires a response. Example of WhatsApp message to be sent below –

*“An email has been sent with subject line PLEASE RESPOND – Annual Budget, that requires a response by no later than 12.00pm, Friday 8 April 2022.”*

Any staff that are not in the WhatsApp group that require a WhatsApp message to be sent to the group, please ask either one of the Executive Staff or the Governance & Compliance Officer to send a WhatsApp message.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2022, Motion 2022/038

**Amended:**

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## 2.19 Customer Communications Commitment Policy

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**Policy Number:** 2.19

**Policy Subject:** Customer Communications Commitment Policy

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for the commitment to customer communications.

**Guidelines:** The Shire of Dumbleyung, like all local governments, has a significant customer base ranging from residents & ratepayers to anyone else that has an interest in the Shire's business and affairs. In effect, anyone that interacts, has contact or linkages with the Shire is considered a customer. It is the Shire's commitment to ensure that everyone is treated like a customer in their contact with the Shire and its personnel.

Good communications are at the core and essence of achieving customer satisfaction. Shire customers must feel that their experience in contacting the Shire has been efficient and expeditious. All responses to customer enquiries, whether the matter of each enquiry is progressed (supported) or otherwise, must be clearly explained in a clear, courteous and logical manner.

The two main communication approaches are proactive and reactive communications. Proactive communications are Shire initiated customer contact activities looking to provide public advice around specific matters requiring wider attention. These usually take the form of Press Releases, Public Notices, Community Forums and Meetings. Reactive communications are usually customer initiated activities including phone calls, emails, letters and direct face to face contact e.g. front Counter/Reception.

Every Shire customer has an expectation that their contact and enquiry is professionally received and addressed (responded to) as promptly as possible. To maintain high customer service standards, Shire staff will commit to responding to customer enquiries using the following benchmarks:-

- ✓ Letters – Reply within 10 business days
- ✓ Emails – Reply within 5 business days
- ✓ Meetings – Reply within 5 business days
- ✓ Phone Calls – Reply within 3 business days
- ✓ In-Person – At time of customer visit

If a sufficient reply is unable to be given within the above timeframes, contact must be made with the customer notifying of the situation and indicating an alternative response timeframe.

Customer complaints maintain a higher priority for Shire officer response. Depending on the nature and seriousness of the complaint, Shire staff will always endeavour to respond to customers as soon as possible. The above benchmarks remain in place should an earlier response to a customer complaint not be possible.

The relationship between Council and Shire staff should be open, positive and mutually supportive. Councillors because of their public accessibility are in a position to receive many customer contacts and enquiries. In terms of internal communications, Shire staff remain committed to responding to Councillor questions and enquiries, including any customer requests relayed through individual Councillors. The same benchmark customer response times apply. Shire staff commit to providing Councillors with a copy of any Shire response sent directly to a customer as originating by a Councillor.

All customer communications are to be filed in accordance with the adopted Shire filing system as either an official electronic or physical record depending on the nature of the originating contact (e.g. emails to be electronically filed).

**Forms & Templates:** Nil

**First Adopted:** 21 July 2022, Motion 2022/086

**Amended:**

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## 2.20 Habitual or Vexatious Complainants

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**Policy Number:** 2.20

**Policy Subject:** Habitual or Vexatious Complainants

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complaints is that they are time consuming and wasteful resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

1. To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.
2. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

**Guidelines:**

**Definitions**

“**habitual**” means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”.

**Habitual or Vexatious Complainants**

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:  
  
The repeated and/or obsessive pursuit of:  
i) unreasonable complaints and/or unrealistic outcomes; and/or  
ii) reasonable complaints in an unreasonable manner.
2. For the purpose of this policy, the Chief Executive Officer and Shire President will engage and confer to identify an individual or group that may be considered as a habitual or vexatious complainant.
3. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A, the Chief Executive Officer, following discussions with the Shire President, will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken.

Schedule B details the options available for dealing with habitual or vexatious complaints.

4. The Chief Executive Officer will notify complainants, in writing, of the reason why their complaint has been treated as habitual or vexatious, and the action that will be taken. The Chief Executive Officer will also notify all Officers and Council Members that a constituent has been designated as a habitual or vexatious complainant.
5. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review for one year and monitored by the Chief Executive Officer with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

### **Schedule A – Criteria for Determining Habitual or Vexatious Complainants**

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complaints:

1. Persist in pursuing a complaint where the Council's complaints process has been fully implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of Council to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
6. Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant

and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with the notification of how future contact with the Council is to be made.

7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgement will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
9. Are known to have recorded meetings of face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
10. Make unreasonable demands on Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
11. Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
  - Clearly does not have any serious purpose or value; or
  - Is designed to cause disruption or annoyance; or
  - Has the effect of harassing the public authority; or
  - Can otherwise fairly be characterised as obsessive or manifestly unreasonable.
12. Make repetitive complaints and allegations which ignore replies which Council Officers have supplied in previous correspondence.

### **Schedule B – Options for Dealing with Habitual or Vexatious Complainants**

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms



are contravened, consideration will then be given to implementing other action as indicated below.

2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.
5. Temporary suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies.

**Forms & Templates:** Nil

**First Adopted:** 20 October 2022, Motion 2022/138

**Amended:**

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## 2.21 Council Logo Use

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**Policy Number:** 2.21

**Policy Subject:** Council Logo Use

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** The Shire of Dumbleyung's logo visually represents the Shire of Dumbleyung on its documents and correspondence, on its buildings and services and at events which it might support or sponsor. This policy will assist with ensuring that the Shire of Dumbleyung's role in the community is clearly recognised and that its reputation is protected and enhanced through accurate, consistent and high quality reproduction of its logo.

**Guidelines:** The Shire of Dumbleyung logo is to be used only in relation to Shire of Dumbleyung business and its activities unless prior approval has been obtained.



**Provisions:** The Shire of Dumbleyung logo is to be used for administrative purposes as authorised by the Chief Executive Officer.

Private Use of the Logo is not permitted unless:

- The approval of the CEO has been obtained; and
- The logo is modified to remove the words "Shire of Dumbleyung"; and
- There is an identifiable benefit to the Shire and community through acknowledgement of support or promotion of the area.

Approval for private use of the logo may be withdrawn at any time if the use is considered to be inappropriate.

Any other modifications to this logo are strictly prohibited unless authorised by the Chief Executive Officer.

**Forms & Templates:** Nil

**First Adopted:** 20 April 2023, Motion 2023/222

**Amended:**

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## 2.22 Child Safe Awareness Policy

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**Policy Number:** 2.22

**Policy Subject:** Child Safe Awareness Policy

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** The Shire of Dumbleyung supports and values all children and young people. The Shire of Dumbleyung makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness Policy is one of the ways the Shire of Dumbleyung demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The Shire of Dumbleyung is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness Policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse, and recognises that the Shire of Dumbleyung is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. The Shire of Dumbleyung will promote the safety and wellbeing of children across the community.

Consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework, this policy provides a framework that outlines the role of the Shire of Dumbleyung in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

**Scope:** The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness Policy applies to all, employees, volunteers, trainees, work experience students, interns and anyone else who undertakes work on behalf of the Shire of Dumbleyung, regardless of their work related to children or young people. It applies to occupants of Shire of Dumbleyung facilities and venues, including visitors, contractors and suppliers.

**Definitions:** **Abuse:** Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.

**Child/Children:** Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

**Child Safe Organisation:** is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
  - places emphasis on genuine engagement with and valuing of children and young people
  - creates conditions that reduce the likelihood of harm to children and young people
  - creates conditions that increase the likelihood of identifying any harm, and
  - responds to any concerns, disclosures, allegations, or suspicions of harm
- Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Implementation of the National Principles for Child Safe Organisations give effect to the above.

**Child safe:** For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

**Harm:** Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

**Wellbeing:** Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

### **Policy Principles:**

- The rights of children and young people are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

### **Policy Functions:**

The Shire of Dumbleyung will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.

- Develop a process to deliver child safe messages (for example, at Shire of Dumbleyung venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

**Responsibilities:** The Shire of Dumbleyung has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire of Dumbleyung is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise the Shire of Dumbleyung facilities to operate in alignment with the Child Safe Awareness Policy.

The Shire of Dumbleyung will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness Policy.

**Forms & Templates:** Nil

**First Adopted:** 22 June 2023, Motion 2023/250

**Amended:**

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## 2.23 Acceptable Use of Electronic & Digital Signatures

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**Policy Number:** 2.23

**Policy Subject:** Acceptable Use of Electronic & Digital Signatures

**Responsible Officer:** Chief Executive Officer

**Objective:** It is the aspiration of the Shire of Dumbleyung that all correspondence originating from the Shire of Dumbleyung will make use of digital signatures (including scanned signatures applied to documents).

The purpose of this policy is to:

- Provide guidance on when digital and electronic signatures are considered accepted means of validating the identity of a signer on Shire of Dumbleyung electronic documents and correspondence.
- Outline the approval process and security measures to be considered in relation to the use of digital and electronic signatures.

**Digital Signature:** An encrypted digital code appended to an electronic message or document to verify that it was created by a known sender (authentication), that the sender cannot deny having sent the message (non-repudiation), and that the message was not altered in transit (integrity).

*Note: A digital signature or Digital ID is more commonly known as a digital certificate.*

**Electronic Signature (eSignature):** A signature that identifies an individual using a computer generated means.

*Note: The most common example is the signature block affixed to emails.*

**Scanned Signature:** Also known as a “Digitised Signature” (i.e. scanned wet signature) in the case of electronic documents, certificates, letters and correspondence a scanned signature can be attached to identify the person and person’s intention towards the material it is attached.

**Policy Scope:** This policy applies to all the Shire of Dumbleyung employees, Council Members, contractors and other agents conducting Shire of Dumbleyung business.

**Policy Statement:** It is the policy of the Shire of Dumbleyung to permit the use of electronic or digital signatures in lieu of handwritten signatures.

While scanned signatures will be accepted, digital signatures are preferred.

Transactions between the Shire of Dumbleyung and outside parties are only permitted when approved and when both parties have agreed to conduct transactions by digital means.

Electronic and Digital Signatures must apply to individuals only and linked to metadata that specifies the person’s name and position title.

## 1. ACCEPTABLE USE

### **Electronic Signatures (eSignatures) (Email)**

Electronic Signatures may convey intent of an individual to sign a record for low to medium risk. For example: Email Signature Block.

<p><b>John Smith</b> <b>Chief Executive Officer</b></p> <p>SHIRE OF DUMBLEYUNG   WESTERN AUSTRALIA 32 HARVEY ST   PO BOX 99, DUMBLEYUNG WA 6350 Phone: (08) 9863 4012   Email: <a href="mailto:ceo@dumbleyung.wa.gov.au">ceo@dumbleyung.wa.gov.au</a> Website: <a href="http://www.dumbleyung.wa.gov.au">www.dumbleyung.wa.gov.au</a> Office Hours: 8:30am - 4:30pm, <a href="#">Transport Licensing</a>: 9:00am - 4:00pm</p>
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Shire of Dumbleyung procedures must identify the person by position who is authorised to sign, approve and/or prevent unauthorised actions from being taken.

### **Digital Signatures (Digital ID) (Adobe)**

Digital Signatures may convey intent of an individual to sign a record for low to high risk. For example: Signing a document electronically with Adobe.

	<p>Digitally signed by ceo@dumbleyung.wa.gov.au <a href="mailto:ceo@dumbleyung.wa.gov.au">ceo@dumbleyung.wa.gov.au</a> Date: 2023.06.07 11:10:21 +08'00'</p>
---	--

or

<p><b>John Smith</b></p>	<p>Digitally signed by ceo@dumbleyung.wa.gov.au <a href="mailto:ceo@dumbleyung.wa.gov.au">ceo@dumbleyung.wa.gov.au</a> Date: 2023.06.07 11:10:21 +08'00'</p>
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Shire of Dumbleyung procedures must identify the person by position who is authorised to sign, approve, and/or prevent unauthorised actions from being taken.

Digital Signatures may be used where electronic signatures are acceptable and authorised for use.

They may be permitted or required for any record or document where a signature is required by Commonwealth, or State law, or by Shire policy unless a handwritten signature is explicitly required.

Digital Signatures must be used instead of an electronic signature when legally required or when greater risk exists.

## RAM Credentialed Digital Signature

To access a range of Australian Government online services on behalf of the Shire of Dumbleyung you may need to use:

- **myGovID** – an app you download to your smart device which lets you prove who you are when logging into a range of government online services (it is different to a myGov account).
- **Relationship Authorisation Manager (RAM)** – an authorisation service that allows you to act on behalf of a business online when linked with your myGovID (you will use your myGovID to log into RAM).

The principal authority for the Shire must link to the Shire of Dumbleyung in the Relationship Authorisation Manager (RAM) before approved persons can be authorised to access government online services on behalf of the Shire. The principal authority or authorisation administrator acting on behalf of the Shire online, can authorise you in RAM to act on behalf of the business.

To access online services on behalf of the Shire of Dumbleyung, the Authorised Person will need to link their personal myGovID to the Shire of Dumbleyung using RAM.

## 2. ELECTRONIC & DIGITAL SIGNATURE IMPLEMENTATION

The Chief Executive Officer must ensure procedures are developed to identify, evaluate, and document where electronic signatures are permitted, digital signatures and wet signatures are required.

Signatures applied electronically must meet the following Shire of Dumbleyung electronic and digital signature standards:

**Table 1 – Risk Matrix**

*Note: Building Permit numbers and Assessment numbers for a property are Synergy References.*

<b>Transaction Type</b>	<b>Level of Risk</b>	<b>Minimum Signature Type Required</b>
Internal	<b>Low Medium</b>	<ul style="list-style-type: none"><li>• Email Signature Block / Letter Signature Block (No Signature Required)</li></ul>
Internal	<b>High</b>	<ul style="list-style-type: none"><li>• Email Signature Block or Adobe Digital Signature</li></ul>
External	<b>Low</b>	<ul style="list-style-type: none"><li>• Email / Letter Signature Block (No Signature Required) <i>Must be accompanied with a registered Synergy Record Number on the document.</i></li></ul>
External	<b>Medium</b>	<ul style="list-style-type: none"><li>• Email Signature Block / Letter Signature Block (Scanned Signature) or Adobe Digital Signature <i>Must be accompanied with a registered Synergy Record Number on the document.</i></li></ul>
External (Federal Government)	<b>High</b>	<ul style="list-style-type: none"><li>• Wet signature – must be accompanied with a registered Synergy Record Number on the document.</li><li>• Credentialed Digital Signature.</li></ul>



**Table 2 – Signing Activities**

Suitable	Do Not Use
<p>Suitable for Electronic &amp; Digital Signatures</p> <ul style="list-style-type: none"><li>• Building &amp; Planning applications and approvals.</li><li>• Local Law permits / licenses and approvals.</li><li>• Supplier contracts.</li><li>• Employment contracts, employee on boarding and information acceptance records.</li><li>• Council Member declarations.</li><li>• Employee declarations and timesheets.</li><li>• Certificates of Authorisation.</li><li>• Memorandums of Understanding.</li><li>• Land Transfer Forms.</li><li>• Giving Notices – Local Government Act – s.3.25 Notices.</li><li>• Impounding Notices under the Cat Act, Dog Act etc.</li><li>• Infringement Notices.</li><li>• Correspondence (apart from exempt items).</li></ul>	<p>Wet Signatures only.</p> <p>Exempt from being allowed to have an electronic signature applies:</p> <ul style="list-style-type: none"><li>• Common Seal – Local Laws, Local Planning Schemes.</li><li>• Legal Agreements – Deeds, Leases.</li><li>• Documents that are required to be witnessed.</li><li>• Documents to be personally served.</li><li>• Court documents.</li><li>• Powers of attorney.</li><li>• Wills.</li></ul>

### **3. RESPONSIBILITY FOR POLICY COMPLIANCE**

#### **Compliance Measurement**

All employees will assist the Chief Executive Officer in verifying compliance to this policy through various methods, including but not limited to, internal and external audits, and feedback to the policy owner.

#### **Exceptions**

Any exception to this policy must be approved by the Chief Executive Officer in advance. The Chief Executive Officer may authorise an Executive Officer to facilitate this function on their behalf.

#### **Non-Compliance**

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

### **4. RETENTION OF RECORDS**

The *Electronic Transactions Act 2011* (the Act) has strict requirements concerning the retention of records, especially for the 'First Party' to a transaction.

Persons that lodge documents (plans, forms etc) must ensure that they retain their copies of the documents such that they can readily be retrieved if necessary.

Persons should also retain copies of any email(s) related to the lodgement of the documents.

The Act allows for these records to be retained in electronic format if desired.

### **Legislative & Strategic Context**

Electronic commerce in Australia is principally regulated by Federal, State and Territory Electronic Transaction Acts.

The Federal Act applies only to transactions to which a Federal law applies.

The State and Territory Acts are similar to the Federal Act and apply in their respective jurisdictions.

The Electronic Transactions Acts do not apply to all legislation or transactions.

Each Electronic Transaction Act lists legislation or types of transactions which are exempt from the rules set down in that Act or Regulations under each Act.

## **5. DEFINITIONS**

Key terms and acronyms used in this policy and their definitions:

**RAM:** The way you access government services, with myGovID and Relationship Authorisation Manager (RAM) replaced AUSkey on 1 April 2020.

To access the Australian Taxation Office's (ATO) Business Portal and Access Manager you will need to use:

- **myGovID** – the Australian Government's digital identity provider and a new way to provide your identity online. Once you have established your identity you can use your myGovID to access government online services.
- **Relationship Authorisation Manager (RAM)** – an Australian Government authorisation service that allows you to act on behalf of a business online.

**Scanned Signature:** is an analogue of a handwritten signature derived from an original handwritten version (i.e. converted to an image file).

A scanned signature can be attached to identify the person and person's intention towards the material it is attached.

An example of a digitised (scanned) signature is shown below:



**Approved Person:** An employee who is approved by an authorising person to authenticate a document by attaching the authorising person's scanned signature.

**Authorising Person:** An employee or Council Member who is authorised to produce a scanned signature and approve its use by another employee.

**Electronic Signature (e-Signature):** A signature that identifies an individual using a computer generated means. The most common example is the signature block affixed to emails.

**Digitising:** The act of making a digital representation of a document or part of a document that can then be used in electronic documents.

**Document:** Any paper form whether printed, typed or handwritten that is used to transact business or make some official statement. This covers letters, certificates, awards, reports and permits. Document Types:

- **Electronic Document:** Any document that is in a soft or electronic format, whether that document is stored on a computer drive, compact disc or other electronic device.
- **Hard Copy:** Any actual paper copy of a document. This includes, but is not limited to, Shire letters, transcripts, reports and permits that are required to be signed by a Shire employee or Council Member.
- **Electronic Completion:** The form is completed using a computer to fill in the required input using either a .pdf editing program (e.g. Adobe) or a word processing program (e.g. Microsoft).
- **Electronic Submission/Delivery:** The subject matter of the form is completed, and the form is transmitted to the intended recipient using an electronic means such as email or facsimile.

**Forms & Templates:** Nil

**First Adopted:** 22 June 2023, Motion 2023/251

**Amended:** 18 April 2024, Motion 2024/367

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## 2.24 Senior Staff Handover Briefing Notes

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**Policy Number:** 2.24

**Policy Subject:** Senior Staff Handover Briefing Notes

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide clarity of requirements for senior staff leaving the organisation to leave a concise set of standard operating procedures and position briefing notes prior to final date of departure.

**Guidelines:** The Chief Executive Officer, Director of Infrastructure and Director of Corporate Services are all classified senior employee positions of the Shire of Dumbleyung. The loss of any of these key positions, particularly after a reasonable length of tenure can leave a significant knowledge gap in the organisation. This loss of corporate knowledge and intelligence can leave the Shire of Dumbleyung in a significant disadvantage as to its stability, continuity and growth. For particular positions and specific individuals with considerable workplace experience, this can set back the performance of the organisation for a number of years. To minimise any intellectual loss and to bridge the knowledge gap between one staff member exiting with a new officer commencing, all departing senior staff must leave a comprehensive set of handover notes including the following:

1. For regular routine (daily, monthly, biannually & annually) activities and functions, a step by step procedure on how to deliver each activity (including where to find the required information on the Shire's computer system).
2. For any project specific activities, a detailed project description and breakdown of key historical activities as progressed plus any key actions or information required to achieve completion (including a project budget and funding summary).
3. Any other important and/or sensitive matters that a new officer would reasonably expect to require information to assist in performing their duties effectively.

**Forms & Templates:** Nil

**First Adopted:** 18 April 2024, Motion 2024/367

**Amended:**

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## 2.25 Council Policy Management

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**Policy Number:** 2.25

**Policy Subject:** Amendments to Council Policy

**Responsible Officer:** Governance & Compliance Officer

**Purpose:** To establish a process for the development, adoption, amendment and management of Council Policies.

**Policy Statement:** The Shire of Dumbleyung is committed to ensuring that its policies address a clearly identified issue in a proportionate and considered manner, remain relevant, and do not impose unnecessary burdens on external stakeholders or generate internal inefficiencies.

Policies are intended to provide for the efficient and effective use of the Shire of Dumbleyung's resources and enable the Shire to make decisions based on principles of equity, fairness, natural justice, transparency and accountability, as well as meeting statutory requirements.

**Objectives:** The objectives of policies are:

- To provide the Shire with a record of policy decisions.
- To assist staff to make decisions in accordance with Council's direction.
- To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council.
- To enable Council Members to adequately handle enquiries from electors, residents or ratepayers without unnecessary reference to staff or the Council.
- To establish expectations for the regular review of policies to ensure they remain relevant and necessary.

**Guidelines:** **Proposed New Policies and Major Amendments to Existing Policies**  
Where a new policy or substantial review of an existing policy is commenced, the following key elements will be researched and/or considered:

- Statutory compliance obligations;
- Industry standards, codes of practice, guidelines;
- Risk implications;
- Customer/community needs and expectations;
- Whether it effectively integrates in the Shire's operations;
- External stakeholder consultation;
- Internal stakeholder consultation (including relevant senior staff and Council Members); and
- Potential resource and budget implications.

**Minor Amendments to Existing Policies**

Where amendments are required for any of the reasons listed below, provided the amendments do not alter the substantive operation of the policy, the amendments can be approved by the CEO without referral to Council:

- Changes in legislative references;
- Changes in Shire position titles;
- Changes in the administrative arrangements of the State and Federal Governments;
- Changes in Shire document titles; and
- Changes to correct grammar or typographical errors.

**Forms & Templates:** Nil

**First Adopted:** 18 April 2024, Motion 2024/367

**Amended:**

## **SECTION 3 – FINANCIAL MANAGEMENT**

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### **3.1 Budget – Over Expenditure**

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**Policy Number:** 3.1

**Policy Subject:** Budget – Over Expenditure

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide guidelines for budget over expenditure.

**Guidelines:** The Chief Executive Officer to consult with Council if he/she wishes to spend \$8,000 or 40%, whichever is lesser, over specified budget items, and with the Finance and Audit Committee if he/she wishes to spend \$4,000 or 20%, whichever is lesser, over specific budget items. All expenditure over \$1,000 must be in accordance with Councils Purchasing Policy.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 3.2 Corporate Credit Cards

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**Policy Number:** 3.2

**Policy Subject:** Corporate Credit Cards

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide rules for the use and responsibilities of corporate credit cards by ensuring that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

**Guidelines:** This policy applies to all officers issued with a corporate credit card. It documents the responsibilities attached to these cards and their acceptable use.

Authorised officers and limits are:

Chief Executive Officer	\$7,500
Director of Corporate Services	\$5,000
Director of Infrastructure	\$5,000

### **Authority for Approval of Corporate Credit Cards**

The Council must approve the issue of a credit card to the Chief Executive Officer and authorised officers, and any change to the credit card limit.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to Council Members of Local Governments. Council Members are entitled to allowances or the reimbursement of expenses incurred on Council business.

### **Legislation**

The *Local Government Act 1995* does not specifically mention the use of Corporate Credit Cards by officers in a Local Government. However, Section 6.5(a) of the *Local Government Act 1995* requires the Chief Executive Officer to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations. In addition, the *Local Government (Financial Management) Regulations 11(1)(a)* requires Local Government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

### **Purchases and Use of Corporate Credit Cards**

Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash.

Where purchases are made over the telephone or on the internet, a tax invoice should be requested to support the purchase. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. (Date, Company, Address, ABN, amount any GST included).



### **Accounts and Settlement**

The tax invoice providing a brief description of the goods and services supplied and the supplier's ABN must be provided to the Creditors Officer along with the General Ledger/Job Number for payment allocation as soon as practicable after the credit card purchase is made. A credit card transaction slip is not acceptable to support the claim.

The provider of the credit card will recoup expenditure on a monthly basis via direct funds transfer from the Shire of Dumbleyung Municipal account and supply the Shire with a statement of account each month. The Creditors Officer will reconcile the statement to receipts on a monthly basis and forward to the cardholder to certify that the account details are correct. Authorised officers must have their supervisors approve the expenses by signing the statement before it is returned to the Creditors Officer. In the case of the Chief Executive Officer, the statement must be signed by the Director of Corporate Services or Director of Infrastructure.

On return of the signed statement of account the Creditors Officer will process the direct funds transfer.

### **Card Lost or Stolen**

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing bank. The Director of Corporate Services should be notified on the next working day so that the cancellation of the card may be confirmed, and a reconciliation of the card account performed.

### **Misuse of Corporate Credit Cards**

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.

### **Recovery of Unauthorised Expenditure**

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

### **Internal Review of the Corporate Credit Card System**

From time to time the Director of Corporate Services will review credit card use, to confirm compliance with policies and to identify any abnormal trends. The results of these reviews will be documented and retained.

### **Reward/Bonus Points**

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Dumbleyung. The Chief Executive Officer will decide how these points are to be utilised and may include a charitable, social or sporting distribution. Under no circumstances are rewards or bonus points to be redeemed for an officer's private benefit.

### **Return of Cards**

When the Chief Executive Officer or other officer cease to occupy a position that is authorised to be issued with a corporate credit card, they must return the card to the Director of Corporate Services prior to vacating the position so that the card may be cancelled, and the account settled.

### **Finance Department Responsibilities**

The Director of Corporate Services is responsible for arranging the issue of the Corporate Credit Card on advice from the Chief Executive Officer.

The Finance Department's responsibilities in relation to the Corporate Credit Cards include:

1. Maintain a Card Register of all cardholders.
2. Arrange the issue/cancellation of the Corporate Credit Cards.
3. Arrange for all cardholders to sign the Credit Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Card Register.
4. Process payment of card expenditure on receipt of the card statement from the Bank.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

### **Cardholders Responsibilities**

Officers who are issued with Corporate Cards must –

- (i) Ensure the care and safe keeping of the card.
- (ii) Adhere to the policy and procedures in relation to use of the card and its financial limits.
- (iii) Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
- (iv) Ensure the monthly card statement is certified correct and approved for payment when received from the Creditors Officer.
- (v) Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
- (vi) Provide an early response to enquiries that may be made by the bank, creditors or related parties.

**Forms & Templates:** Appendix A

**First Adopted:** 16 August 2018, Motion 2018/576

**Amended:** 17 December 2020, Motion 2020/992  
19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222

**APPENDIX A**

To: \_\_\_\_\_

Title: \_\_\_\_\_

From: Director of Corporate Services

Date: \_\_\_\_\_

**CORPORATE CARD USER INSTRUCTIONS**

You have been provided with a Shire of Dumbleyung Corporate Card in line with your official duties. The limit of this card is \$\_\_\_\_\_.

The following guidelines are provided for your information.

1. The card is issued in your name. It is a corporate card and all transactions made with it are the responsibility of the Shire of Dumbleyung.
2. The card is to be used for official expenditure in the performance of official duties for which there is Budget provision. Under no circumstances is it to be used for personal or private purposes.
3. Being in your name, you are responsible for the care and safe keeping of the card and therefore held accountable to the Shire for its proper use.
4. The card is not to be used to withdraw cash even for official functions.
5. Any unauthorised, excessive or unreasonable use of the card will result in an enquiry and appropriate disciplinary action.
6. When using the card, the holder is required to obtain Tax Invoices to support all purchases. A credit card statement or credit card transaction slip is not acceptable as support for purchases. (Only a Tax Invoice allows the Shire to reclaim the GST component of purchases from the Australian Taxation Office). A Tax Invoice should provide a description of the goods or services supplied, the supplier's Australian Business Number and identify any GST component of the amount paid.
7. The Tax Invoice is to be provided, along with appropriate expense accounts to charge the costs, to the Creditors Officer as soon as practicable after purchase.
8. When a Statement of Account is provided, you are required to certify the correctness of the expenditure and return the Statement to the Creditors Officer together with all supporting Tax Invoices.
9. If the card is lost or stolen, you must immediately notify the issuing bank. The Director of Corporate Services should be notified on the next working day.
10. The card must be returned to the Director of Corporate Services if you vacate the position either through resignation, retirement or the conclusion of the Service Contract.
11. Please acknowledge the above by signing and returning the duplicate copy of this statement to the Director of Corporate Services.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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### 3.3 Investment Policy

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**Policy Number:** 3.3

**Policy Subject:** Investment Policy

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** Council have adopted this Investment Policy in order to provide controls over the investment of surplus funds. The main objective of the investment of surplus funds is to increase the return on surplus funds without increasing the risk of the investment. It should be ensured that there is minimal risk placed on surplus funds in order to ensure that the capital is preserved.

**Guidelines:** Investments are to be placed in a term deposit with an authorised institution as defined in *Section 19C of the Local Government (Financial Management) Regulations 1996*.

When investing funds, including the rolling over of already established term deposits, officers are to follow the procedure as set out below:

1. Officers are to determine possible future requirements for the funds in order to determine the length of the deposit required. More than one term deposit may be established but term must be for no longer than one year.
2. Quotes are to be sought from three authorised institutions to determine the best available interest rate for each term deposit required.
3. Term deposit/s are to be established with the authorised institution/s offering the best interest rate.

Council prohibits the use of:

- Speculative financial instruments;
- The use of leveraging;
- The use of the investment portfolio for speculation;
- Any similar risk increasing instruments;
- Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- Invest in bonds with a term to maturity of more than three (3) years;
- Invest in a foreign currency.

**Forms & Templates:** Nil

**First Adopted:** 19 June 2014

**Amended:** 19 August 2021, Motion 2021/1110

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## 3.4 Purchase of Goods and Services

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**Policy Number:** 3.4

**Policy Subject:** Purchase of Goods and Services

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** This policy has been adopted to achieve the requirements of Regulation 11A of the *Local Government (Functions and General) Regulations 1996*.

**Intent:** The intent of the policy is to ensure the Shire of Dumbleyung achieves effective, efficient, economical and sustainable purchasing of all goods and services by:

- Ensuring a high level of transparency, probity and accountability in purchasing decisions, whilst allowing for flexibility in the Shire's operations;
- Adopting a "best value" approach to purchasing;
- Conducting competitive quotation and tendering processes in accordance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*; and
- Incorporating the Shire's sustainability goals in all purchasing activities, including a strong focus on supporting local content.

### **Legislative Requirement**

This policy is to be read in conjunction with Section 3.57 of the *Local Government Act 1995* and Regulations 11A - 24AJ of the *Local Government (Functions and General) Regulations 1996*. These statutory requirements cover the following items:

- Section 3.57 of the Act requires the Shire to tender for goods or services and incorporates the Regulations for purchasing;
- Regulation 11A sets out the requirement for local governments to have a purchasing policy, the number and type of quotations to be obtained for all purchases up to \$250,000 and the retention of written information relating to the quotations;
- Regulations 11 to 21A outline the method of and requirements for calling public tenders. Areas covered includes when tenders have to be publicly invited, any exemptions for the requirement to tender, how long tenders need to be advertised for, how and when tenders are to be opened and how a local government is to assess and respond to tenders;
- Regulations 21 to 24 outline the procedure for limiting who may provide a tender. The regulations discuss Expressions of Interest (EOI) responding to EOI, shortlisting of respondents to EOI and informing respondents of the outcome of EOI; and
- Regulations 24AA to 24AJ outline the methods and procedures for a local government to initiate and operate panels of pre-qualified suppliers of goods and services.

### **Statutory Exemptions from Tender Regulations**

Regulation 11(2) specifies the criteria when public tenders do not have to be invited. The following list outlines the circumstances where the Shire is exempted from publicly calling tenders:

- When the purchase is made from expenditure authorised in an emergency (Chief Executive Officer approval required); or
- When the supply of the goods or services is associated with a state of emergency; or
- When the purchase is made through a WALGA Preferred Supplier Program; or
- When the Shire has (in the last 6 months) publicly invited submissions to quote or tender or canvassed for expressions of interest and no suitable supplier was identified through the process; or
- When the contract is to be entered into by auction after being expressly authorised by a resolution of Council; or
- When the goods or services are to be supplied by the Commonwealth Government (or its agencies) or the State Government (or its agencies) or from a Local or Regional Government; or
- When the goods or services are believed to be unique in nature and it is unlikely there is another supplier (sole source – Chief Executive Officer or Council approval required)
- The goods to be supplied are petrol or oil or any liquid or gas used in internal combustion engines; or
- The purchase is acquired from an Australian Disability Enterprise and represents value for money; or
- The purchase is from a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
- The purchase is from an Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362; where the consideration is \$250,000 or under and represents good value for money; or
- The Contract is a renewal or extension of the term of the original contract, where the original contract contained an option to extend; and
- The goods or services are to be supplied by a pre-qualified supplier under Division 3 of the Regulations.

Note: These exceptions to tender do not exempt the purchaser from gaining the required number of quotations and from following the requirements of this policy

### **Anti-avoidance**

Regulations 12(1) and 12(2) state the Shire will not enter into two or more contracts or create multiple purchase order transactions of a similar nature, to avoid the requirement to go to public tender or to take the value of a purchase below a purchasing threshold specified in the policy.

### **Other Legislative Requirements**

Retention of documents related to purchasing activities is to be in accordance with the requirements of the *State Records Act 2000*. In particular:

- (i) Tender/quotation documentation
- (ii) Internal documentation
- (iii) Evaluation documentation
- (iv) Enquiry and response documentation
- (v) Notification, award and Contract documentation

Is to be retained and stored by the Shire for a period of 21 years.

## Purchase Thresholds

Amount of Purchase (ex GST) or Total Contract Value	Policy	Decision Making Process
Up to \$3,000	<p><b>One (1) verbal quote.</b></p> <p>The quote should be sourced from: a local* supplier or; an Aboriginal Business** or; a WA Disability Enterprise*** where available.</p>	<p>Quotations are not required for items of minor recurrent nature such as groceries, stationary, hardware, mechanical, reticulation, consumables etc. Staff must be satisfied that the price is competitive.</p>
\$3,000 - \$9,999	<p><b>Request at least one (1) verbal or written quote.</b></p> <p>At least one quotation should be sourced from a local* supplier or; and Aboriginal Business** or; a WA Disability Enterprise*** where available.</p>	<p>Lowest priced quote to be accepted or officer to document the best value offer.</p>
\$10,000 - \$74,999	<p><b>Request at least two (2) written quotations.</b></p> <p>At least one quotation should be sourced from a local* supplier or; and Aboriginal Business** or; a WA Disability Enterprise*** where available.</p> <p>Quotations can be issued via an ePortal (eg. WALGA eQuotes) or via email.</p>	<p>Where two (2) written quotes are not received or not available e.g. due to limited suppliers, it must be authorised and approved by a Director or the CEO.</p> <p>Lowest priced quote to be accepted or officer to document the best value offer.</p>
\$75,000 - \$249,999	<p><b>Request at least three (3) written quotations.</b></p> <p>At least one quotation should be sourced from a local* supplier or; and Aboriginal Business** or; a WA Disability Enterprise*** where available.</p> <p>Quotations can be issued via an ePortal (eg. WALGA eQuotes) or via email.</p>	<p>Where three (3) written quotes are not received or not available e.g. due to limited suppliers, it must be authorised and approved by a Director or the CEO.</p> <p>Lowest priced quote to be accepted or officer to document the best value offer.</p>

<p>\$250,000 and above</p>	<p><b>Tender Exempt</b> arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&amp;G Reg.11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation.</p> <p>or</p> <p>By public tender undertaken in accordance with the <i>Local Government Act 1995</i>.</p>	<p>Full written evaluation by an evaluation panel containing a minimum of 2 members and approval from the CEO.</p> <p>CEO approval is required before requesting tenders for goods above \$250,000.</p>
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\*Note – a local supplier is defined as a supplier with an office, or workshop or retail presence in the region defined in the Southern Wheatbelt area of Western Australia, including the Great Southern Region.

\*\*Note – An Aboriginal Business registered on the Aboriginal Business Directory WA (<https://abdwa.ic.org.au>) or a business that is a registered member of Supply Nation (<https://supplynation.org.au>)

\*\*\*Note – A WA Disability Enterprise (WADE) is a business registered at <https://wade.org.au>

Where multiple quotations are received, evaluations should consider 'value for money'.

The authorising officer is to ensure all documentation including quotes and/or forms are attached to the purchase order where applicable.

The Chief Executive Officer or Director of Corporate Services will conduct regular checks of purchase orders and invoices to ensure correct authorised staff have signed purchase orders and have authorised transactions within their authorised threshold limit.

### **Authorised Officers and Thresholds**

<b>Officer</b>	<b>Threshold</b>
Chief Executive Officer	Unlimited
Director of Infrastructure	\$150,000
Director of Corporate Services	\$150,000
Project Manager	\$10,000
Mechanic	\$10,000
Governance & Compliance Officer	\$3,000
Payroll & Rates Officer	\$3,000
Economic Development Officer	\$3,000



### **Exemptions from Purchasing Requirements**

A quotation is to be obtained and a purchase order is required to be issued, except for:

- Reimbursement of expenses incurred by a Council Member or employee on approved Shire business, where receipts are provided or a statutory declaration is made eg. Parking fees, taxi fares, meals.
- Non-contracted or non-contestable utilities (eg. Electricity, water, telephone).
- Fixed or regulatory or statutory expenses of a periodic nature (eg. State-wide or local public notice advertising, rates and taxes, insurance, licences, superannuation, postal services, memberships and subscriptions etc).
- Employee/Council Member allowances.
- Purchasing of specialist Legal services or specialist Consultancy services, as required and determined by the Chief Executive Officer, provided their approval is in writing, prior to the purchase, and the details are reported to Council.
- Other payments as determined by the Chief Executive Officer (written documentation must be provided)

Examples include but are not limited to:

- All freight companies for delivery fees (below \$3,000)
- Fuel Card Purchases

In the following instances, public tenders or quotation procedures are not required (regardless of the value of the expenditure):

1. Purchases of road making materials (fill, gravel, water etc.) from a landowner is exempt from the requirement to obtain quotes.
2. A specific exemption is the purchasing of fuel where a request for quotation will only operate for one (1) day and verbal quotations will be accepted.
3. Purchases of Goods and/or Services under:
  - Current Western Australian Local Government Association (WALGA) Preferred Supplier Contracts
  - Current WA Department Finance Common Use Agreements (CUA's)

Procurements made under CUA or WALGA Preferred Supplier Contracts shall be checked for currency of contract at the time of quotation. The contract number of the CUA or WALGA Preferred Supplier contracts must be quoted at the time of quote sourcing and ordering in order to identify Council to the supplier as party to the contract pricing structure.

### **Sole Source of Supply**

In the circumstances of Sole Source providers, for purchases where the total contract value does not exceed \$50,000:

- (a) The procurement of goods and/or services available from only one private sector source of supply, (that is the manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there is reasonable evidence that there is genuinely only one source of supply;
- (b) Written confirmation, in the form of an email or memo to the Chief Executive Officer, of this must be kept on file for later audit;
- (c) The application of provision 'sole source of supply' should only occur in limited cases. Procurement experience indicates that generally more than one supplier is able to provide the requirements;
- (d) The decision to purchase goods or services from a sole supplier must be approved, in email or in writing, by the Chief Executive Officer;
- (e) Sourcing goods or services from local suppliers can be considered as a sole source of supply if it can be demonstrated there are no other competitors who have the same level of experience or expertise to deliver the required outcome.

For purchases where the total contract value exceeds \$50,000 the decision to purchase goods or services from a sole source must be approved by Council.

(Refer to Delegation 2.1.16 of the Shire's Delegation Authority Register)

### **Panels of Pre-Qualified Suppliers**

In accordance with Regulation 24AC of the Local Government (Functions and General) Regulations 1996, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- (i) The Chief Executive Officer determines that a range of similar goods and services are required to be purchased on a continuing and regular basis.
- (ii) There are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money'.
- (iii) The purchasing activity under the intended Panel is assessed as being of a low to medium risk.
- (iv) The Panel will streamline and will improve service delivery and procurement processes.
- (v) The Chief Executive Officer has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Chief Executive Officer will endeavour to ensure that panels will not be created unless most of the above factors are firmly and quantifiably established.

### **Ethics and Integrity**

All officers and employees of the Shire of Dumbleyung are to observe the highest standards of ethics and integrity in undertaking purchasing activities and act in an honest and professional manner that supports the standing of the Shire.

Further detail regarding the Shire's expectations can be found in the Shire's Code of Conduct.

### **Value for Money**

When evaluating quotations and tenders' value for money is an overarching principle governing the purchasing of goods and services for the Shire.

For purchases \$10,000 and above, where a higher priced conforming offer is recommended for purchase, there should be clear and demonstrable benefits to the Shire over and above the lowest priced, conforming offer. A written or email evaluation outlining the clear and demonstrable benefits should be approved by a Director, before the purchase is made.

### **Sustainable Procurement**

A preference will be provided to suppliers that demonstrate sustainable business practices and high levels of Corporate Social Responsibility (CSR). Where it is appropriate and practicable, an advantage will be provided to suppliers demonstrating that they minimise environmental and negative social impacts, contribute to the local economy and embrace CSR. Sustainable, local economic and CSR considerations will be balanced against value for money outcomes. Qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the local supplier defined area and those that share a common boundary with the Shire of Dumbleyung, or substantially demonstrate a benefit or contribution to the local economy.

All Requests for Tender (RFT) and Requests for Quotation (RFQ) above \$50,000 will, where reasonable, have a minimum weighted score of 10% for sustainable criteria.

### **Arm's Length Process**

There is to be an "arm's length" approval process so that all staff that could benefit, or potentially benefit, or perceive to benefit from a purchase are unable to authorise/approve the same purchase.

**Forms & Templates:** Invoice Discrepancy Form

**First Adopted:** 21 November 2019, Motion 2019/792

**Amended:**  
18 June 2020, Motion 2020/906  
19 August 2021, Motion 2021/1110  
21 April 2022, Motion 2022/038  
20 April 2023, Motion 2023/222  
18 April 2024, Motion 2024/367

**INVOICE DISCREPANCY**

Any discrepancy in excess of 5% or \$50.00, between the Purchase Order and the Invoice, requires written explanation.

Explanation Required if no Purchase Ordered was raised.

Invoice Number: \_\_\_\_\_ Date: \_\_\_\_\_

Purchase Order Number: \_\_\_\_\_

Explanation: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Authorised by:** \_\_\_\_\_ **Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**GL/Job:** \_\_\_\_\_ **CC:** \_\_\_\_\_ **EM:** \_\_\_\_\_

**INVOICE DISCREPANCY**

Any discrepancy in excess of 5% or \$50.00, between the Purchase Order and the Invoice, requires written explanation.

Explanation Required if no Purchase Ordered was raised.

Invoice Number: \_\_\_\_\_ Date: \_\_\_\_\_

Purchase Order Number: \_\_\_\_\_

Explanation: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Authorised by:** \_\_\_\_\_ **Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**GL/Job:** \_\_\_\_\_ **CC:** \_\_\_\_\_ **EM:** \_\_\_\_\_

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### 3.5 Rating – Contiguous Valuations

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**Policy Number:** 3.5

**Policy Subject:** Rating – Contiguous Valuations

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To provide guidelines for contiguous use valuation on land.

**Guidelines:** Application to be made to the Valuer General's Office for contiguous use valuation on land.

**Group Valuations for Contiguous Unimproved Valuation Properties**

That application be made to the Valuer General's Department for contiguous use valuation on land/location/lots that can be demonstrated to be owned and operated as one unit.

- a) Proponents wishing to seek a contiguous use valuation will be required to complete a Statutory Declaration to this effect, detailing the land/lots involved, the various ownership details and a statement as to who the 'ratepayer/owner' will be in the rate book/valuation register and for local government electoral voting entitlements.
- b) In the event that a parcel of land is sold or Council is made aware that land is on the 'market', then a group valuation ceases to exist and it is to be removed. The onus is on the landowner to advise Council of this event.

**Group Valuations for Contiguous Gross Rental Valuation Properties**

That application be made to the Valuer General's Department for contiguous use valuation on land/location/lots that can be demonstrated to be owned and operated as one unit.

- a) Proponents wishing to seek a contiguous use valuation will be required to complete a Statutory Declaration to this effect, detailing the land/lots involved, the ownership details and the purpose of the land.
- b) In the event that a parcel of land is sold or Council is made aware that land is on the 'market' then the group valuation ceases to exist and is to be removed. The onus is on the landowner to advise Council of this event.

**Forms & Templates:** Nil

**First Adopted:** 15 September 2005

**Amended:** 19 August 2021, Motion 2021/1110

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## 3.6 Sundry Debtors

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**Policy Number:** 3.6

**Policy Subject:** Sundry Debtors

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** This policy outlines clear and appropriate debt recovery procedures which will be undertaken by the Shire of Dumbleyung and to ensure effective control over all invoiced debts owed to the Shire whilst being sympathetic to those debtors suffering genuine financial hardship.

**Guidelines:** Debts owed to the Shire do have an effect on all ratepayers to the Shire of Dumbleyung as they subsidise this non-payment. The objectives of this policy are to:

1. Ensure the monies owed to the Shire of Dumbleyung are received in a timely, efficient and effective manner in order to finance the Shire of Dumbleyung's operations and ensure effective cash flow management.
2. Fulfil statutory requirements of the Local Government Act 1995 and other relevant legislation in relation to the recovery of outstanding debts.

During the debt recovery process, the Shire of Dumbleyung will treat people fairly, consistently, and in a confidential and professional manner.

### **Debt Management – Excluding Infringement Notices**

If the invoice is not paid by the due date, then the following procedure will take place:

1. Sundry debtors accounts become overdue if not paid within 30 days of issuing of the invoice.
2. For amounts outstanding from 30 days, the issuing Debtors Officer is to issue a Statement to the debtor with an 'overdue' sticker attached to the Statement.
3. For amounts outstanding from 60 days, the issuing Debtors Officer is to issue a Statement to the debtor with a 'Final Notice payment within 7 days' sticker attached to the Statement.
4. For amounts outstanding for greater than 90 days, the issuing Debtors Officer is to issue a 'letter of demand' to the debtor advising them that recovery action through the courts may be taken unless the debtor makes payment in full within 7 days or enters and complies with an overdue payment arrangement agreement. The debtor will also be advised that any fees incurred in recovering the debt will be passed on to the debtor. Any such payment arrangement agreement must ensure that payment of the overdue amount is fully recovered by the 30 June of that current financial year unless exceptional circumstances exist.

5. Before any third party is engaged to take legal action to recover an outstanding debt, the Director of Corporate Services is to be consulted to ensure that this action is appropriate giving due consideration to all issues that have led to the debt being overdue and not paid.
6. The Chief Executive Officer may determine other suitable treatment options to deal with sundry debtors in the case of demonstrated financial hardship.
7. Once all reasonable attempts as above to either locate the debtor or obtain payment have failed, the responsible officer for raising the debt will be asked to submit a written request for the invoice to be considered for write off.
8. Approval will be sought from the Chief Executive Officer and subsequently Council for approval for the debt to be written off. Once Council approval has been received, the appropriate entries will be made into the Accounts Receivable Ledger.

#### **Debt Management – Infringement Notices**

Infringements are issued by authorised officers of the Shire of Dumbleyung. There is no provision for part payments or payment arrangements with the Shire of Dumbleyung for infringements due to making them enforceable with the Fines Enforcement Registry (FER). If the infringement is not paid by the due date, then the following procedure will take place:

1. Where the payment is not received within 28 days from the date of the infringement, the issuing officer is to issue a Final Demand Notice (approved by the Fines Enforcement Registry) to the debtor.
2. If not paid by 28 days, an authorised Prosecuting Officer is to register the outstanding infringement notice with the Fines Enforcement Registry where further charges will be incurred.
3. The Shire of Dumbleyung has no control over the collection process undertaken by the Fines Enforcement Registry and cannot take any action of its own.
4. If the infringement requires a withdrawal due to being issued incorrectly, in error or a payment had been received, an authorised Prosecuting Officer will be able to withdraw the infringement from the Fines Enforcement Registry.
9. From time to time, write off of debts will be required when the Fines Enforcement Registry deem the fines and/or costs uncollectible. Approval will be sought from the Chief Executive Officer, and subsequently Council for approval for the debt to be written off. Once Council approval has been received, the appropriate entries will be made into the Accounts Receivable Ledger.

#### **Debt Management – Tenancy/Rentals**

The Shire of Dumbleyung can have a tenancy terminated if the tenant presents a bad cheque or falls behind in their rent and cannot make up the payment within an agreed time. It is important to remember there are procedures which must be followed. Landlords cannot just evict or force a tenant out, no matter what the circumstances.

The Shire of Dumbleyung will abide by the legislation in the *Residential Tenancies Act 1987 (WA)* and the *Residential Tenancies Regulations 1989*.

Procedures for overdue rent will be followed as per the link below on the Government of Western Australia Department of Mines, Industry Regulation and Safety website:

<https://www.commerce.wa.gov.au/consumer-protection/breaches-tenancy-agreement>

#### **Debt Raised in Error or Debt Adjustment**

If a debt has been raised in error or requires an adjustment, then an explanation will be sought from the relevant staff members. Once this has been received, a credit note request form will be raised which is to be authorised by both the staff member who raised the initial invoice and the Director of Corporate Services.

#### **Interest on Overdue Charges**

Council may elect to impose interest on outstanding debts. The rate of interest imposed is to be determined by Council in accordance with section 6.13 of the *Local Government Act 1995*.

**Forms & Templates:** Nil

**First Adopted:** 17 September 2015

**Amended:** 19 August 2021, Motion 2021/1110  
21 April 2022, Motion 2022/038



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### 3.7 Regional Price Preference

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**Policy Number:** 3.7

**Policy Subject:** Regional Price Preference

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** In order to promote sub-regional development, the Shire of Dumbleyung will provide a price preference to local suppliers (located within the stipulated areas) when evaluating and awarding contracts with the Shire via the purchasing process. Any price preference provided will comply with part 4A of the Local Government (Functions and General) Regulations 1996 as amended.

**Guidelines:**

1. Price preference will be given to all suppliers submitting quotations for the supply of goods and services to the Shire of Dumbleyung, unless Council resolves that this policy does not apply to a particular purchase.
2. The following price preference will be given to suppliers submitting quotations for the purchase of goods and services for suppliers located within the Shire of Dumbleyung.
  - 2.1 Goods and Services – up to a maximum price of \$5,000 excluding GST.
    - 10% to all suppliers located within the Shire of Dumbleyung
    - 5% to all suppliers sharing a common boundary with the Shire of Dumbleyung
  - 2.2 Goods and Services – from \$5,000 - \$50,000 excluding GST.
    - 7.5% to all suppliers located within the Shire of Dumbleyung
    - 3.75% to all suppliers sharing a common boundary with the Shire of Dumbleyung
  - 2.3 Goods and Services – valued between \$50,000 - \$150,000 excluding GST
    - 5% all suppliers located within the Shire of Dumbleyung
    - 2.5% to all suppliers sharing a common boundary with the Shire of Dumbleyung
3. Price Preference will only be given to suppliers located within the stipulated areas for more than six (6) months prior to the advertising date of the tender.

Located within the area stipulated is defined as a supplier having a physical presence in the way of a shop, depot, outlet, headquarters or other premises where the goods or services specifically being provided are supplied from. This does not exclude suppliers whose registered business is located outside the stipulated area but undertake the business from premises within the stipulated area. An example is a franchise of a multinational company.

4. Only those goods and services identified, as being from a source located within the stipulated area will have the price preference applied when assessing the purchase.
5. Price is only one factor that the Shire considers when evaluating a purchase. There is nothing contained within this policy that compels the Shire to accept the lowest price or any tender based on price offered.
6. The quotation of any supplier shall be excluded by **any attempt by a supplier or employee to exploit the policy** to the advantage of either party.
7. The following classes of purchase are specifically excluded from the local price preference policy due to specialised skills, after sales support, special concessions to Council or other limiting factors.
  - 7.1 ANY tender called by the Shire of Dumbleyung whether required by regulation or not.
  - 7.2 The purchase of diesel or petroleum products in bulk.
  - 7.3 The ongoing changeover of Council vehicles.
  - 7.4 The purchase and maintenance of electronic equipment and software.

**Forms & Templates:** Nil

**First Adopted:** 21 November 2019, Motion 2019/792

**Amended:** 19 August 2021, Motion 2021/1110

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## 3.8 Royalties for Gravel and Sand Supplied, Rehabilitation and Restoration

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**Policy Number:** 3.8

**Policy Subject:** Royalties for Gravel and Sand Supplied, Rehabilitation and Restoration

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** This policy is for use in obtaining road building materials from freehold land. It does not apply to other land such as Crown land, DEC land or pastoral leases.

**Guidelines:**

**Legislation**

*Section 3.27 of the Local Government Act 1995 states (in part):*

*Particular things Local Government can do on land that is not Local Government property:*

- 1. A Local Government may in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not Local Government property and the Local Government does not have consent to do it.*
- 2. Schedule 3.2 may be amended by regulations.*
- 3. If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as the site or curtilage of a building or has been developed in any other way, or is cultivated.*

*Schedule 3.2:*

*Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the Local Government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.*

*Section 3.36 applies.*

**Compensation**

*Section 3.22 of the Local Government Act 1995 states (in part):*

*If a person who is:*

- 1. The owner of occupier of land granted in fee simple; or*
- 2. The occupier of land held under lease or on conditional terms of purchase from the Crown, except for pastoral or timber purposes, sustains damage through the performance by a Local Government of its function under this Act, the Local Government is to compensate the person if the person requests compensation unless it is otherwise expressly stated in subsection (5) or in Schedule 3.1 or Schedule 3.2.*

**Initial Approach to Landholders**

Where road building materials are required the Chief Executive Officer or his representative is to approach the landowner concerned at least one (1) month prior to the commencement of work with a request for the material.

A plan showing the block location of the material to be sourced is to be provided to the landholder.

Monetary compensation is to be determined at this time.

No other forms of compensation are available.

A notice of intended entry is not required under the Act, however some form of written acknowledgement should be provided.

### **Damages**

The Shire will reinstate any fencing and access tracks damaged during the course of works.

### **Excavation**

Existing access tracks where possible are to be utilised and will be maintained by the Shire for the duration of works and on completion.

Topsoil to a depth of approximately 80-100mm is to be removed and stockpiled.

Borrow pit to be a maximum distance of 15 metres from any boundary fence. (This will provide access to fences and where applicable will provide a bush buffer zone from road reserves.)

Gravel will be extracted to a maximum depth of one (1) metre, unless otherwise negotiated.

### **Rehabilitation**

Rehabilitation will commence within five (5) years of the end of the financial year on exhausted pits. Suitable soil from roadworks may be used to backfill the borrow pit. Borrow pit floor is to be ripped.

Top soil and other overburden is to be pushed back over the borrow pit. Inclines on sides of borrow pit are to be reduced to a suitable back slope. Other requirements are to be negotiated with the landholder in writing before commencement of works.

All discontinued gravel pits are to be ripped and/or where possible, overburden be pushed back, and if located on private property the landowner is to be consulted in relation to restoration of the pit, and that if revegetation planting is agreed to, cost sharing of 50/50 should be negotiated.

### **Compensation**

Compensation will be made to the landowner as set in the fees and charges.

Calculation of gravel requirements will be based upon the physical dimensions of the excavation required (i.e. 100m x 100m x 1m =10,000 cubic metres).

**Forms & Templates:** Nil

**First Adopted:** 16 April 2015

**Amended:** 19 August 2021, Motion 2021/1110

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### 3.9 Standpipe Charges – Kukerin Stock Dam

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**Policy Number:** 3.9

**Policy Subject:** Standpipe Charges – Kukerin Stock Dam

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide guidelines on the standpipe charges for Kukerin Stock Dam.

**Guidelines:** That all con-commercial standpipe charges be levied as per Council's annual Fees and Charges.

That commercial charges be levied as per Council's annual Fees and Charges.

*Note - Council's current charge for water removed from Water Corporation standpipes is set in the Schedule of Fees and Charges, so the current charge for water removed from Kukerin Stock Dam standpipe is also in the Fees and Charges.*

**Forms & Templates:** Nil

**First Adopted:** 20 June 2019

**Amended:** 19 August 2021, Motion 2021/1110

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### 3.10 Accounting Policy

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**Policy Number:** 3.10

**Policy Subject:** Accounting Policy

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide a policy framework for the financial management of the Shire of Dumbleyung that secures the accuracy and reliability of accounting data, financial reporting and budgeting and ensures that all statutory obligations and Australian Accounting Standards are met.

**Guidelines:**

**Policy Scope**

This Policy covers accounting, budgeting, financial reporting and financial governance activities of the Shire. The Policy is to be read and implemented in conjunction with the Shire's other relevant policies, strategies, procedures and documents. This change to policy is effective from 1 July 2018 (financial year 2018-19 onwards).

**1. Responsibilities**

In accordance with the Local Government Act 1995 (The Act) and the Local Government (Financial Management) Regulations 1996 (The Regulations) the Chief Executive Officer (CEO) has a duty to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with the regulations. Efficient systems and procedures are to be established by the CEO of a local government and the CEO is to ensure that the resources of the local government are effectively and efficiently managed. Whilst the ultimate responsibility lies with the CEO, the CEO will appoint suitably qualified officers and contractors to assist and advise him/her in meeting these responsibilities.

**2. Accounting Framework**

Accounting records will be maintained on a full accrual basis and are based on historical costs, modified where applicable by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Accounting for revenues and expenses, assets and liabilities and the form of presentation of financial statements will be carried out in accordance with all applicable Australian Accounting Standards Board Standards (The Standards) and the provisions of The Act and relevant Regulations. Where there is an inconsistency between The Standards and legislative requirements the legislation will prevail and the extent of the inconsistencies between the Standards and the legislation disclosed by way of notes.

The Shire's Annual Budget is used to determine the amount of revenue to be raised by way of rates and to demonstrate to ratepayers and citizens how the financial resources of the Shire will be deployed. The accounting framework should demonstrate transparent accountabilities for financial resources and establish a clear link between the raising of revenue as

demonstrated by the budget document and the expenditure of that revenue on activities that support the Shire's strategic direction and statutory obligations.

### **3. Financial Reporting**

Financial reporting is required to meet the internal organisational needs (Management Reporting), the Shire's statutory obligations (Statutory Reporting) and the reporting requirements of various other stakeholders such as the WA Grants Commission, other grantors and the Australian Bureau of Statistics (Special Purpose Reports). This will be achieved by production of the following reports.

#### **(a) Monthly Reporting**

Monthly reports will be provided to the Council in accordance with Section 6.4 (2) of The Act and Regulation 34 of The Regulations.

Sub-regulation 34(3) provides a choice as to how the information in a statement of financial activity may be shown i.e.:

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit i.e. Directorate/Service Area.

The Shire provides monthly financial reports to Council by Program and Sub Program. This is accompanied by a detailed report by Program on variances.

Sub-regulation 34(5) requires a local government to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances. This will be undertaken when adopting the budget for each year.

Monthly reports will be prepared on a calendar month basis, and the reports will be presented at the next available Council meeting, allowing for a reasonable time for preparation of such reports.

#### **(b) Annual Reporting**

Section 6.4 of The Act requires annual financial reports to be prepared in the form prescribed, and submitted to its auditor by 30 September following each financial year. Regulations 36 to 50 inclusive of The Regulations contain specific provisions regarding the manner and form and prescribed information referred to in 6.4 above. The annual financial report will not be placed before the Council until it has been audited by the external auditor.

### **4. Budget and Budget Reviews**

The annual budget will be prepared in accordance with Section 6.2 of The Act and relevant Regulations. Regulations 22 through to 33 inclusive of The Regulations contain extensive prescriptions for the preparation of the Annual Budget as referred to in Section 6.2 (4)(g) of The Act.

The Act provides that the Budget shall be adopted by absolute majority decision of the Council, in the period 1 June in a financial year to 31 August in the next financial year. Whilst The Act requires that the Council will adopt

an Annual Budget before the 31st of August, the Council will use its best endeavours to adopt the budget in July of each year to maintain liquidity in the Municipal Fund and reduce the need to seek financial accommodation via overdraft, thus eliminating overdraft interest expenses whilst maximising investment earnings on the Municipal Fund.

A comprehensive budget review will be undertaken at least once per annum in accordance with the provisions of The Regulations.

**5. Reporting Revenue and Expenditure by Program, Sub Program and Nature and Type**

Reporting, of all revenue and expenses by “nature and type” shall be classified in accordance with Schedule 1 Part 2 of The Regulations.

**6. Assets**

Assets will be recognised and reported at fair values in accordance with Regulation 17A of The Regulations and AASB 5, 13, 116 and 136 of The Standards.

**(a) Capitalisation of Assets**

In accordance with The Regulations 17A(5) expenditure of a capital nature is recognised as an asset if the threshold value is \$5000 or greater. Expenditure below this threshold will be expensed.

**(b) Portable and Attractive Assets.**

An asset below the threshold will be recorded in a separate Portable and Desirable Assets Register in accordance with The Regulations 17(B).

**(c) Classes of Asset**

Asset classes are shown below:

- Land – freehold
- Land – vested in and under the control of Council
- Buildings – specialised
- Buildings – non-specialised
- Plant and equipment
- Roads
- Sewerage
- Parks and other improvements

**(d) Fair Valuation**

Revaluation for Fair Value for financial reporting purposes and depreciation of assets will be carried out in accordance with the provisions of regulation 17A of the Regulations and AASB 113 and 116 of The Standards. A full revaluation of all applicable asset classes will be undertaken at least once every 5 years. However, when an asset class has significant changes in fair value, a revaluation will be undertaken on a more frequent basis.

The valuation methods are to be selected as appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends



on the specific characteristics of the asset being measured. The valuation techniques selected by the Shire are consistent with one or more of the following valuation approaches:

- *Market approach* – uses prices and other relevant information generated by market transactions for identical or similar assets;
- *Income approach* – converts estimated future cash flows or income and expenses into a single discounted present value;
- *Cost approach* – reflects the current replacement cost of an asset at its current service capacity.

In accordance with AASB 13 the shire will disclose the fair value information by level of the fair value hierarchy which categorise fair value measurement as:

- *Level 1* - measurements based on quoted prices in active markets;
- *Level 2* – measurements base on inputs other than quoted prices included within level 1 that is observable for the asset, either directly or indirectly;
- *Level 3* – measurements are based on unobservable inputs for the asset.

**(e) Depreciation**

The annual depreciation charge will be recognised on a straight-line basis, based on effective useful lives after taking into account any residual values expected to be achieved at disposal and will be expensed to the appropriate depreciation expenses accounts.

Major depreciation periods are shown below:

• Buildings	30 to 50 years
• Plant and equipment	5 to 15 years
• Sealed roads and streets	
formation	not depreciated
pavement	50 years
seal	
- bituminous seals	20 years
- asphalt surfaces	25 years
• Gravel roads	
formation	not depreciated
pavement	50 years
• Formed roads (unsealed)	
formation	not depreciated
pavement	50 years
• Footpaths	20 years
• Sewerage piping	30 - 100 years
• Water supply piping and drainage systems	75 years
• Parks and other improvements	10 to 20 years

The assets residual values and useful lives are reviewed and adjusted if appropriate at the end of each reporting period.

**(f) Accounting for Land Under Local Government's Control (including Land Under Roads)**

Regulation 16 of The Regulations prohibits local governments from recognising the value of Crown and vested land under its responsibility or care and control, unless it is operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of State or regional significance.

The Shire elects not to recognise the value of land under roads acquired on or before 30 June 2008 in accordance with AASB 1051. Land under roads acquired on or after 1 July 2008 is not included as an asset of the Shire in accordance with Regulation 16(a) which prohibits local governments from recognising crown land that is a public thoroughfare, the responsibility of which is vested in the local government.

**(g) Disposal of assets**

Disposal of assets will be treated in accordance with the Act, the Local Government (Functions and General) Regulations 30 and the provisions of AASB 116 of The Standards.

ICT equipment, such as laptops, computers and hard drives must be cleansed of all Shire data prior to disposal.

**(h) Inventories**

Accounting for inventories will be undertaken in accordance with AASB 102 of The Standards.

**7. Loans**

See Borrowings Policy 1.63

**8. Particular Purpose Cash Backed Reserves**

Reporting and treatment for all Reserves shall be classified in accordance with Regulation 38 of The Regulations. 'Particular' purpose reserve accounts that are cash backed will be established to:

- Save for a future purpose, contingency or losses arising from investment activities;
- Fund the replacement of infrastructure or assets that are being consumed by the current generation of ratepayers so as not to impose an undue financial burden on future generations of ratepayers who have not had the benefit of that consumption;
- To temporarily retain any surpluses or unspent funding that may arise from various activities to be used to in future years.

**9. Interest earned on Reserve Investments**

In order to help maintain the real value of the Reserve Accounts, interest earned from investing moneys held in Reserve Accounts is to be classified as operating revenue and then transferred to the particular Reserve Account in proportion to the average balance of the particular reserves over the interest earning period.

#### **10. Financial Instruments**

Financial instruments will be recognised, classified and measured in accordance with AASB 7 and AASB 139 of The Standards.

#### **11. Impairment of Assets**

Impairment of assets other than inventories will be treated in accordance with the provisions of AASB 136 of The Standards. All non-current assets are to be reviewed on an annual basis to determine whether there is any indication they may be impaired.

#### **12. Superannuation**

The Shire contributes to the Local Government Superannuation Scheme and to other Occupational Superannuation Funds on behalf of employees. These funds are defined contribution schemes and the Shire has no further liability in respect of these funds. Contributions to defined contribution plans are recognised as an expense as they become payable.

#### **13. Employee Benefits**

Employee benefits will be recognised and treated in accordance with the provision of AASB 119 of The Standards.

Liability for long service leave is calculated in accordance with the table shown.

Long Service Leave Adjustment		
	Entitlement	Probability
Year 1	1.3 weeks	0.15
Year 2	2.6 weeks	0.25
Year 3	3.9 weeks	0.40
Year 4	5.2 weeks	0.60
Year 5	6.5 weeks	0.80
Year 6	7.8 weeks	0.90
Year 7	9.1 weeks	1.00
Year 8	10.4 weeks	1.00
Year 9	11.7 weeks	1.00
Year 10	13.0 weeks	1.00

#### **14. Bad Debts Write Offs**

Debts (including rates and service charges) that are considered irrecoverable, or where the cost of recovery is uneconomic, may be written off under delegated authority 2.1.10 in accordance with the provisions of Sections 5.42(1) and 6.12(1) of the Local Government Act 1995. Delegated authority 2.1.10 empowers the Chief Executive Officer (CEO) to waive, grant concessions or write off in relation to any amount of monies owing to the Shire to a limit of \$100 for any one item. This cost is to be expensed against the budget area to which the revenue was originally credited.

#### **15. Fringe Benefits Tax**

The Shire will comply with Fringe Benefits Tax (FBT) legislative requirements whereby FBT is payable on benefits in place of, or in addition to, salary or wages of employees. Fringe benefits provided may also be required to be reported on employee's annual PAYG payment summaries. As the FBT year is not aligned with the financial year, the benefits reported on payment

summaries is for the preceding FBT year, which runs from 1st April to 31st March.

**16. Good and Services Tax**

Goods and Services Tax (GST) will be treated in accordance with the provisions of UIG Interpretation 1031 of The Standards and the applicable tax laws set out by the Australian Taxation Office. Certain Australian taxes, fees and charges are exempt from GST. These are outlined in the Division 81 Fees and Charges Determination by the Commonwealth Treasurer. The Shire of Dumbleyung is a registered organisation for the purposes of GST, therefore GST is generally payable on most goods and services the Shire sells or supplies to others in the course of business (excluding input taxed and GST free supplies).

**Forms & Templates:** Nil

**First Adopted:** 20 June 2019

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222

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### 3.11 Borrowings Policy

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**Policy Number:** 3.11

**Policy Subject:** Borrowings Policy

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To establish a set of principles for the efficient management of the Shire of Dumbleyung's existing and future debt, recognising that in order to ensure intergenerational equity in the funding of identified capital projects it may need to resort to the prudent use of borrowings.

**Guidelines:**

**Policy Scope**

This Policy relates to forms of financing which create a liability for a future repayment. It excludes financing in the form of operating leases, credit card facilities, short-term bank loan/overdraft for daily cash flow requirements, or hire purchase agreements.

**Operating Expenditure**

The Shire will not borrow money (other than by way of the above exclusions) to fund operating expenditure. This type of expenditure should be funded through operating revenue streams such as rates, fees and charges or operating grants.

**Recurrent Capital Expenditure**

The Shire will not borrow money or obtain debt finance (other than by way of the above exclusions) to fund the acquisition, replacement or renewal of assets that is expected to occur on an annual or similar basis at approximately the same level each year i.e. recurrent capital works. Examples of this type of expenditure are the roads programme, plant replacement, information technology and office equipment acquisitions and replacement. This type of expenditure should be funded through operating revenue streams such as rates, fees and charges or operating grants.

**Paying off Loans in Advance**

Any borrowings can be paid off in advance in full where it can be demonstrated that there is a significant benefit to the Shire. Any retirement of debt will not occur without approval from Council. The final payment will include the principle outstanding, interest accrual to date and the premium cost for breaking the loan contract. The decision to pay off a loan will be based on economic viability and will be analysed on a case to case basis.

**Borrowing Term**

The term of the borrowings shall be set having due regard to the economic life of the asset being acquired or constructed.

Should the Shire decide to borrow funds, the term of the borrowing shall generally not be greater than half the economic life of the asset being acquired or constructed. This is to enable the Shire to use the remaining

economic half-life to set funds aside in reserves in order to renew or replace that asset should that be required at the end of its economic life.

### **Borrowing Ratios**

Prior to undertaking any borrowing the Shire shall review its Debt Service Cover Ratio and its Net Debt to Operating Revenue Ratio as per WA Treasury Corp Borrowing Guidelines in order to assess its capacity to pay and ensure that the community is not burdened with unnecessary risk.

### **Circumstances for Which Long Term Borrowing/Financing Will Be Considered**

The Shire will give favourable consideration to borrowing money for the acquisition or construction of an asset where:

- The asset to be acquired or constructed has been identified by Council to be of the highest priority as per the Long Term Financial Plan; or
- All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Shire; or
- Repayments will be met by a third party i.e. self-supporting loans; or
- The index of the cost of acquisition or construction is increasing at a rate that exceeds the cost of borrowing i.e. to “save” for the acquisition of construction will result in the actual cost being greater than the cost of borrowing the money and acquiring or constructing the asset today.

### **Statutory Limitations**

The policy will ensure that all borrowing transactions are conducted in accordance with relevant statutory requirements as contained in the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards, whilst minimising the cost of the debt.

**Forms & Templates:** Nil

**First Adopted:** 20 June 2019

**Amended:** 19 August 2021, Motion 2021/1110

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### 3.12 COVID-19 Financial Hardship (Deleted)

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**Deleted:** 20 April 2023, Motion 2023/222

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### 3.13 Townscape Budget Allocation

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**Policy Number:** 3.13

**Policy Subject:** Townscape Budget Allocation

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide guidelines on the budget allocation for townscapes.

**Guidelines:** Annual Budgets are to contain a cash item in the proportion of Dumbleyung \$15,000 and Kukerin \$10,000 for miscellaneous works associated with townscaping. Unspent monies will be carried forward.

**Forms & Templates:** Nil

**First Adopted:** 20 July 2000

**Amended:** 19 August 2021, Motion 2021/1110



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### 3.14 Write Off Small Balances

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**Policy Number:** 3.14

**Policy Subject:** Write Off Small Balances

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To outline clear and appropriate procedures to be undertaken by the Shire of Dumbleyung which allow relevant officers to write off small balances.

**Guidelines:** This policy sets the parameters to write off small balances.

To assist with the maintenance of the Shire's Rates and Sundry Debtors and to ensure employee resources are effectively utilised, the following shall apply –

1. Sundry Debtors – to allow the Debtors Officer to write off any small balance outstanding at the end of each month of less than \$100 in total at the discretion of the Chief Executive Officer.
2. Rates Debtors – to allow the Rates Officer to write off any small balance outstanding at the end of each month of less than \$100 at the discretion of the Chief Executive Officer.

**Forms & Templates:** Nil

**First Adopted:** 16 December 2021, Motion 2021/1192

**Amended:** 20 April 2023, Motion 2023/222  
18 April 2024, Motion 2024/367

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### 3.15 Family Violence Policy

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**Policy Number:** 3.15

**Policy Subject:** Family Violence Policy

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** This policy outlines the Shire Dumbleyung approach to addressing family violence, as required by the *Water Services Code of Practice (Family Violence) 2020*.

**Scope**

This policy applies to customers and staff of the Shire of Dumbleyung who have been, or are being, affected by family violence.

**Guidelines:**

**Legislation**

The *Water Services Code of Practice (Family Violence) 2020* requires water service providers to have and implement a family violence policy and stipulates the minimum requirements that policy must address.

This policy meets these requirements and has been informed by the Department of Water and Environmental Regulation's *Guidance for water service providers in addressing family violence*.

**Context**

Family violence is the intentional and systematic use of violence and abuse to control, coerce and create fear. It can be physical, emotional/psychological, sexual, financial, spiritual or social in nature. Further information on what is considered family violence is available at:

<https://www.wa.gov.au/organisation/department-of-communities/family-and-domestic-violence-services-and-resources>

Perpetrators of family violence can use control over their victims as a form of economic abuse, such as incurring debt in the victim's name, refusing to contribute to costs, refusing to pay bills or having the service disconnected when they leave the family home.

Victims of family violence may suffer significant psychological and emotional impacts while attempting to resolve debts at the same time as ensuring their personal safety.

In addition, perpetrators may gain access to the victims' confidential information such as their whereabouts; for example, through their knowledge of the personal details of the victim.

**Our Role in Addressing Family Violence**

At the Shire of Dumbleyung we have zero tolerance for family violence and will do everything we can (within our control) to support customers affected by family violence.

We have implemented systems and staff training so that customers who disclose to us that they have been, or are being, affected by family violence:

- are heard and need only make this disclosure once
- have confidential and respectful interactions with our staff
- can be certain their personal information is kept confidential and safe
- are provided with information about financial support and assistance available, including specialised support networks
- are provided with time and information to help them consider their options and make informed decisions
- can enter into The Shire of Dumbleyung Financial Hardship program and be supported by our family violence process.

### **Support Available**

Customers can be referred into external support networks and resources including: [Department of Communities' website](#)

### **Complaints Procedure**

Please refer to our complaints procedure available at: <https://www.dumbleyung.wa.gov.au/contactform> if you are not satisfied with how we have handled your situation.

If you wish to access a hard copy (at no charge) of this policy, please contact us via: Shire of Dumbleyung, 32 Harvey Street Dumbleyung, PO Box 99 Dumbleyung WA 6350 or phone (08) 9863 4012.

Next review by 18 March 2027

**Forms & Templates:** Nil

**First Adopted:** 21 April 2022, Motion 2022/038

**Amended:**

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### 3.16 Internal Audit

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**Policy Number:** 3.16

**Policy Subject:** Internal Audit

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide a clear and transparent approach to the Internal Audit function for the Shire.

**Guidelines:** The internal audit function is to perform as follows;

1. Financial Management Review (FMR) required to be performed every 3 years.
2. Internal Audit review to be conducted by external consultants in both years in-between FMR's.
3. The FMR and Internal Audits are to rotate between the below core finance functions;
  - Procurement
  - Payables
  - Rates and Receivables
  - Financial Processes
  - ICT Systems
  - Payroll
  - Assets

The use of external contractors is important to the internal audit process as independence is a “must have” for an effective internal audit process. Independence gives assurance to the elected Council that the relevant controls and processes have been impartially assessed and is a key in risk mitigation.

Following the completion of each Internal Audit function, the appointed external contractor must provide a detailed report of the audit findings for formal consideration by the Shire of Dumbleyung Audit & Risk Committee.

**Forms & Templates:** Nil

**First Adopted:** 20 April 2023, Motion 2023/222

**Amended:** 18 April 2024, Motion 2024/367

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### 3.17 Recovery of Rates and Services Charges

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**Policy Number:** 3.17

**Policy Subject:** Recovery of Rates and Services Charges

**Responsible Officer:** Payroll & Rates Officer

**Objective:** The Shire of Dumbleyung aims to ensure that all payments due to the Shire are received by the due date for payment and, through close monitoring of aged accounts, to reduce the likelihood of debts for outstanding rates and service charges becoming unrecoverable. Sometimes, however, rates and service charges due to the Shire remain outstanding after the due date for payment.

The purpose of this policy is to provide a clear, accountable, and transparent process for the Shire's rates and service charges debt management and collection practices and ensure consistency for all debt recovery.

**Scope:** This policy applies to all debts due to the Shire for outstanding rates and service charges.

**Definitions:** In this policy unless the contrary intention appears:

**Financial Hardship** – A person will be considered to be in financial hardship if paying their rates, service charges or sundry debts due to the Shire will affect their ability to meet their basic living needs.

**Payment Agreement** – means an arrangement whereby the debtor pays amounts over a period, agreed to by the Shire, to pay the total amount outstanding. A payment agreement would normally require payments to be made by direct debit and be structured to clear the debt due to the Shire within a period of 12 months.

**Rates Debt** – means amounts due and payable to the Shire for rates and service charges levied by the Shire pursuant to the provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

**Rates Debtor** – means an individual, organisation or other party that has outstanding monies owed to the Shire for a rates debt.

**Policy Principles:** The Shire will exercise its debt recovery powers in Part 6 of the *Local Government Act 1995*, guided by the following principles:

- Equity – Implementing rate collection procedures fairly and equitably, ensuring similar treatment of ratepayers in similar circumstances;
- Simplicity – Making the processes used to recover outstanding rates clear, simple to administer and cost effective;
- Transparency – Making clear the processes used by the Shire to ensure ratepayers meet their financial obligations;
- Flexibility – Responding where necessary to changes in the local economy and to meet local, State or National crises and other unforeseen events where they are applicable;
- Compliance – Ensuring the Shire's rate collection procedures are compliant with all regulatory obligations.

## **Policy Statement & Guidelines:**

### **1.1 Recovery of Rates**

Rates are due for payment not less than 35 days from date of issue of the Rates Notice, in accordance with section 6.50(2) of the *Local Government Act 1995*. Rates debts not received by the due date shall be recovered in accordance with this Policy and any relevant legislation.

#### (a) Interest

The Shire will charge interest against rates debts that remain outstanding more than thirty five (35) days from the date of the issue of the Rates Notice, as follows:

- where payment of rates is made by instalments pursuant to section 6.45(3) of the *Local Government Act 1995*, interest will be charged at the rate adopted by Council as part of the Annual Budget, up to the maximum prescribed by regulation 68 of the *Local Government (Financial Management) Regulations 1996*; and
- where rates remain unpaid after the due date for payment pursuant to section 6.51 of the *Local Government Act*, interest will be charged at the rate adopted by Council as part of the Annual Budget, up to the maximum prescribed by regulation 70 of the *Local Government (Financial Management) Regulations 1996*.

#### (b) Rates outstanding after the due date shown on the Rate Notice

Where the Shire has not entered into a payment agreement with the rates debtor, the Shire will adopt the following process to recover outstanding rates debts due to the Shire:

- i. Issue a Final Notice to the rates debtor requiring payment within fourteen (14) days. Final Notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferrals) Act 1992*; as such persons have until 30 June of the current financial year to make payment, without incurring any penalty interest. The Shire may, however issue a Final Notice to registered pensioners or seniors for any unpaid charges not subject to a rebate or deferment (for example, waste collection charges);
- ii. If payment has not been received by the due date shown on the Final Notice, attempt to contact the debtor by other means, including telephone and email, regarding payment of the debt;
- iii. Where contact was not possible or did not result in payment of the debt or the Shire entering into a payment agreement with the debtor, issue a "Notice of Intention to Claim" demanding immediate payment; and
- iv. The Shire may lodge a Minor Case Claim (where the debt is less than \$10,000) or a General Procedure Claim (where the debt is \$10,000 or more) with the Magistrates Court. Should the debtor not respond within the timeframes established by the Court, default judgment may be requested. Where a General Procedure Claim has been lodged and default judgement requested and granted, a Property Seizure and Sale Order (PSSO) may be lodged. The PSSO authorises the Bailiff to seize and sell as much of the debtor's real or personal property as necessary to satisfy the debt wholly.

The Shire may engage a debt collection agency and/or legal representative to act on its behalf in taking debt recovery action.

#### (c) Recovery of rates debt from lessee

The Shire may seek to recover an outstanding rates debt from the lessee of a leased property, pursuant to section 6.60 of the *Local Government Act 1995*.

## **1.2 Options to recover rates debts outstanding for at least three (3) years**

The Shire may seek to recover an outstanding rates debt that has remained unpaid for at least three (3) years by taking possession of the land in accordance with subdivision 6, Division 6, Part 6 of the *Local Government Act 1995*.

This may include:

- leasing the land;
- selling the land;
- causing the land to be transferred to the Crown; or
- causing the land to be transferred to the Shire.

## **1.3 Legal costs and other expenses**

Legal costs and expenses incurred by the Shire in recovering rates debts will be charged against the land in accordance with the section 6.43 of the *Local Government Act 1995*.

## **2. Payment Arrangement**

Rates debtors who are unable to pay outstanding rates by the due date, may apply in writing to the Shire to enter into a payment agreement to make periodical payments. The payment agreement will generally:

- be structured to clear the outstanding rates debt within twelve (12) months;
- require future rates and service charges to be paid on time; and
- require payments to be made by direct debit.

Where the rates debtor fails to adhere to a payment agreement and has not contacted the Shire to discuss the payment agreement or negotiate an amended payment agreement, the Shire may commence debt recovery in accordance with this Policy. Where legal action had commenced but had been suspended due to the rates debtor entering into a payment agreement, the legal action may be reactivated.

The Shire may decline to enter into a payment agreement with a rates debtor.

The Rates Officer may enter into payment agreements with rates debtors for the Shire where the payment agreement will result in payment of the outstanding debt within twelve (12) months. Payment agreements outside of these terms will be at the discretion of the Director of Corporate Services.

Interest will continue to be payable on outstanding rates debts that are subject to a payment agreement with the Shire.

## **3. Financial Hardship**

Where a rates debtor is experiencing financial hardship and is unable to enter into a payment agreement to pay outstanding rates within twelve (12) months, application may be made for financial hardship support.

**Forms & Templates:** Relevant Documents  
Local Government Act 1995 – Part 6  
Local Government (Financial Management) Regulations 1996  
Shire of Dumbleyung – Schedule of Fees & Charges

**First Adopted:** 20 July 2023, Motion 2023/274

**Amended:**

## **SECTION 4 – ORDER / PUBLIC SAFETY**

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### **4.1 Smoking Ban – Shire Property and Vehicles**

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**Policy Number:** 4.1

**Policy Subject:** Smoking Ban – Shire Properties and Vehicles

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines on the smoking ban in shire vehicles and property.

**Guidelines:** Smoking is banned in the swimming pool compound and all Shire owned and controlled buildings and Shire vehicles and plant.

**Forms & Templates:** Nil

**First Adopted:** 15 June 2000

**Amended:** 19 August 2021, Motion 2021/1110



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## 4.2 Cemetery – Grave Dimensions

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**Policy Number:** 4.2

**Policy Subject:** Cemetery – Grave Dimensions

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines on grave dimensions.

**Guidelines:** That all graves are to be dug to the dimensions of the cemetery template provided i.e. 240 x 100cm to a depth of 214cm unless requested by the undertaker to prepare a grave of larger dimensions. The casket is to be covered by filling in with a shovel and grave finished off with a shovel at a reasonable time after mourners left the cemetery.

**Forms & Templates:** Nil

**First Adopted:** 31 January 2008

**Amended:** 19 August 2021, Motion 2021/1110

## **SECTION 5 – FIRE CONTROL**

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### **5.1 Fire Safety Precautions During Christmas Break**

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**Policy Number:** 5.1

**Policy Subject:** Fire Safety Precautions During Christmas Break

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for fire safety precautions.

**Guidelines:** A water tank be fitted to and left full on a Shire truck in the Shire Depots during the annual Christmas/New Year break.

**Forms & Templates:** Nil

**First Adopted:** 17 November 1994

**Amended:** 19 August 2021, Motion 2021/1110

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## 5.2 Use of Council Equipment

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**Policy Number:** 5.2

**Policy Subject:** Use of Council Equipment

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for use of Council equipment for fire fighting purposes.

**Guidelines:** That Council plant and equipment which is used for fire fighting purposes be made available for fire fighting and protective burning as required, subject to consultation with Council's senior management staff and the Chief Bush Fire Control Officer or a person acting in this position.

The operation of this equipment is to be conducted either by a Council employee, or in the case where a Council employee is not available, an operator who has been approved at the time of an incident by the Chief Executive Officer, Council's Director of Infrastructure, Works Supervisor, Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110

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### 5.3 Harvest Bans – Outside Workforce Operations

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**Policy Number:** 5.3

**Policy Subject:** Harvest Bans – Outside Workforce Operations

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for outside workforce operations during a harvest ban.

**Guidelines:** That for the duration of a Harvest and Movement of Vehicles Ban the Shire's outside workforce shall cease all road works and any related activities which are likely to cause a bushfire.

**Forms & Templates:** Nil

**First Adopted:** 17 March 2005

**Amended:** 19 August 2021, Motion 2021/1110

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## 5.4 Brigade Vehicle Use for Training Purposes

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**Policy Number:** 5.4

**Policy Subject:** Brigade Vehicle Use for Training Purposes

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for the use of brigade vehicles.

**Guidelines:** That in order for Brigade vehicles to be made available for training purposes:

1. Brigade Fire Control Officer to be notified with contact details and expected time of use and location of training.
2. The following details be provided on the station whiteboard:
  - Who
  - Where
  - Contact number – mobile and 40CH channel
  - Time out and estimated return time
3. Ensure bush fire radio in truck is on.
4. Conduct a visual check and complete check list.
5. Disconnect charger/isolator switch.
6. Vehicle check:
  - Fuel, Water, Oil and Tyres
7. Pump check:
  - Fuel and Oil
8. Ensure water tank is full.

Prior to departure ensure:

1. All drivers have required HR licence.
2. Protective clothing for all operators.
3. Minimum of 2 able bodied operators or more required on fire permit
4. Fill in log book/sheet:
  - Vehicle odometers reading start
  - Vehicle odometers reading end
  - Purpose of the trip (training, hot fire, wild fire)

Upon return the following needs to be completed:

1. Check vehicle
2. Ensure water tank is full
3. Ensure fuel tank is full
4. Clean vehicle if necessary
5. Reconnect battery/charger isolator switch
6. Check vehicle for damage – report any to Shire
7. Erase information on white board

**Forms & Templates:** Nil

**First Adopted:** 17 April 2008

**Amended:** 19 August 2021, Motion 2021/1110

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## 5.5 Prohibition of Burning, Burning Permits and Harvest Bans

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**Policy Number:** 5.5

**Policy Subject:** Prohibition of Burning, Burning Permits and Harvest Bans

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for burning, burning permits and harvest bans.

**Guidelines:** **Burning Not Permitted – Good Friday and Easter Sunday**  
Burning will not be permitted in the Shire of Dumbleyung on Good Friday and Easter Sunday and this will be advertised seasonally.

**Burning on Sundays During Restricted Burning Period**

That burning on Sundays within the Shire be permitted after 15th March each year, providing the landowner first obtains a permit to burn as per Section 18 of the Bush Fires Act 1954.

**Burning Permits - Withdrawals**

If Burning Permits are withdrawn for any reason the Fire Control Officer who issued the permit must be notified of its cancellation.

**Harvest Bans – Christmas Day and New Years Day**

That harvesting be banned in the Municipality on Christmas Day and New Year's Day and the public reminded by seasonal advertising.

**Forms & Templates:** Nil

**First Adopted:** 17 May 2018

**Amended:** 19 August 2021, Motion 2021/1110

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## 5.6 Bushfire Control Volunteers – Training Courses

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**Policy Number:** 5.6

**Policy Subject:** Bushfire Control Volunteers – Training Courses

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for training courses for bushfire volunteers.

**Guidelines:** That Council will endeavour to ensure that all local Bush Fire Control Officers and volunteers complete at least the DFES administered Rural Fire Awareness Course before being allowed to attend fires.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2004

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222

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## 5.7 Bushfire Costs

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**Policy Number:** 5.7

**Policy Subject:** Bushfire Costs

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for costs incurred during extinguishing a bushfire.

**Guidelines:** That where costs are incurred during extinguishing a bushfire, the fire report shall be considered by the Finance Committee to determine whether or not such costs may be recovered from the person responsible for starting the fire.

### **28. Occupier of land to extinguish bush fire occurring on his land**

1. a) *Where a bush fire is burning on any land –*
  - i. *At any time in any year during the restricted burning times; or*
  - ii. *During the prohibited burning times,*  
*and the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act, the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire.*
- b) *Where he requires assistance for the purpose he shall if practicable, without leaving the fire unattended, inform or cause to be informed the nearest available Bush Fire Control Officer, or Bush Fire Brigade Officer, of the existence and locality of the fire.*
2. *For the purposes of this section, a fire lit before the commencement of a period of prohibited burning times relating to the district where the fire is situated and which is still burning at the commencement of those prohibited burning times, is to be regarded as being a bush fire which is not part of the burning operation being carried on upon the land in accordance with the provisions of this Act.*

*Penalty \$10,000*

3. *Where the occupier of the land upon which a bush fire is burning fails to take measures to extinguish it as required by sub-section (1), a Bush Fire Liaison Officer, a Bush Fire Control Officer of any Local Government or an authorised CALM Act Officer employed in connection with any forest land which is within 3 kilometres of the land where the fire is burning, may enter upon the land where the fire is burning and take all proper measures to extinguish it.*

*Penalty \$5,000*

- a) *In so far as the measures taken by the Bush Fire Liaison Officer, Bush Fire Control Officer or authorised CALM Act Officer are necessitated by reason of the failure of the occupier of the land to comply with sub-*



*section (1), any expenses incurred by the Bush Fire Liaison Officer, Bush Fire Control Officer or authorised CALM Act Officer, in taking measures to extinguish the fire, shall be a debt owing by the occupier of the land to the Authority, Local Government or Executive Director of the Department of Conservation and Land Management, respectively.*

*b) The Authority, Local Government or Executive Director of the Department of Conservation and Land Management, as the case may be, may recover the expenses from the occupier in any court of competent jurisdiction.*

The incident controller in charge of combatting a bush fire may commit up to \$500 on any initial action considered necessary to control that fire without first seeking authorisation of the Shire President, Chief Executive Officer or Chief Fire Control Officer if the Chief Fire Control Officer is unavailable.

**Forms & Templates:** Nil

**First Adopted:** April 1996

**Amended:** 19 August 2021, Motion 2021/1110

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## 5.8 Harvest Operations – Mobile Fire Fighting Unit

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**Policy Number:** 5.8

**Policy Subject:** Harvest Operations – Mobile Fire Fighting Unit

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for mobile fire nothing units.

**Guidelines:** That pursuant to the power under the *Bush Fires Act 1954* it is compulsory that an operational mobile engine powered fire fighting pump unit with not less than 450 litres of water be in attendance during grain harvesting operations. Fire fighting units mounted on trailers must be connected to a towing vehicle at all times.

**REG.38A. Use of engines, vehicles, plant or machinery likely to cause bush fire**

1. *Where a Bush Fire Control Officer is of the opinion that the use or operation of any engines, vehicles, plant or machinery during the prohibited burning times or restricted burning times, or both, is likely to cause a bush fire, or would be conducive to the spread of a bush fire, the Bush Fire Control Officer may by notice or direction prohibit or regulate the carrying out of any activity or operation in a specified area either absolutely or except in accordance with conditions specified in the notice or direction or without the consent of the Local Government or Bush Fire Control Officer.*
2. *A notice or direction under sub-regulation (1) –*
  - a) *May be given by wireless broadcast or in writing;*
  - b) *Shall have effect for such period during the prohibited burning times or restricted burning times, or both, as is specified in the notice of direction;*
  - c) *May be varied or cancelled by a Bush Fire Control Officer by a subsequent notice or direction in the manner set out in that sub-regulation.*
3. *During any period for which a notice or direction under sub-regulation (1) has effect a person shall not, in any area specified in the notice or direction, operate or use any engines, vehicles, plant or machinery contrary to the notice or direction.*

*Penalty \$5,000*

4. *A person shall, when required by a Local Government, provide a plough or other specified machine, appliance or fire fighting equipment in or in the vicinity of any land or paddock where harvesting operations are being carried on.*

**Forms & Templates:** Nil

**First Adopted:** 20 July 2000

**Amended:** 19 August 2021, Motion 2021/1110

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## 5.9 On Farm Grain Depot or Bunker

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**Policy Number:** 5.9

**Policy Subject:** On Farm Grain Depot or Bunker

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for on farm grain depots or bunkers.

**Guidelines:** Change to Shire Firebreak Regulations:

- a) On farm Grain Depots or Bunkers requirements for approval:
- b) All inflammable material for a radius of 50 metres of where truck, loaders and engines are operating to be cleared.
- c) The bunker or depot must be immediately adjacent to the farms main access road and/or shed areas.
- d) The bunker or depot must be inspected by a local FCO before the 1<sup>st</sup> November each year and a fee of \$100 must be paid to the Shire Office – after which the registration will be listed.
- e) During the loading and unloading there must at all times be an approved mobile fire fighting unit on hand, during harvesting and movement of vehicles in paddocks bans and this unit must escort the truck onto and off the property.

*Note: Firebreaks need not follow the perimeter of any paddock, but may follow contours.*

**Forms & Templates:** Nil

**First Adopted:** 20 November 2003

**Amended:** 19 August 2021, Motion 2021/1110

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## 5.10 Super Spreader Vehicles

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**Policy Number:** 5.10

**Policy Subject:** Super Spreader Vehicles

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines on super spreader vehicles.

**Guidelines:** Super spreader vehicles, slasher machines and mega mulchers are to be equipped with accessible fire extinguishers of 9 litre water capacity or equivalent as per the provisions of the *Bush Fires Act*, as under:

**38B. Use of plant or equipment by internal combustion engine**

1. *Where, in the opinion of the Bush Fire Control Officer, the operation of any power saw, bag loader or other plant or equipment activated by internal combustion engine on any land in the district may constitute a fire hazard, he may, by wireless broadcast from a radio station giving broadcast coverage to the district, by publication in a newspaper circulating in the district or by written notice or oral direction given to any person or persons, subject to such direction as may be given by the Local Government, prohibit the operation of any such power saw, bag loader or other plant or equipment, until further notice, unless the operator has first:*
  - a) *Provided, at the site of the operation, such fire fighting equipment, supply of water and other means of extinguishing fire as the Bush Fire Control Officer may, by the same means, direct; or*
  - b) *Fitted to the engine by which the power saw, bag loader or other plant or equipment is activated a spark arrester of a suitable design, maintained in a clean, sound and efficient condition.*
2. *Every person shall, before operating any power saw, bag loader or other plant or equipment activated by internal combustion engine on land of which any part is under crop, pasture or stubble or that is forest land, fit to the engine by which the power saw, bag loader or other plant or equipment is activated by a spark arrester of suitable design, maintained in a clean, sound and efficient condition.*
3. *Every person who operated any power saw, bag loader or other plant or equipment activated by an internal combustion engine:*
  - a) *Contrary to a prohibition given under sub-regulation (1); or*
  - b) *In contravention of sub-regulation (2), commits an offence.*

*Penalty \$5,000*

**Forms & Templates:** Nil

**First Adopted:** 18 December 2003

**Amended:** 19 August 2021, Motion 2021/1110

## **SECTION 6 – ENVIRONMENTAL HEALTH / FOOD**

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### **6.1 Chemical Containers – Council’s Refuse Sites**

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**Policy Number:** 6.1

**Policy Subject:** Chemical Containers – Council’s Refuse Sites

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for chemical not permitting chemical containers at Council’s refuse sites.

**Guidelines:** The Dumbleyung Shire will not permit agricultural chemical containers to be deposited at all Dumbleyung Shire refuse sites. To be disposed of in accordance with Drum Muster requirements.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110

## **SECTION 7 – COMMUNITY SERVICES**

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### **7.1 Community Assistance**

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**Policy Number:** 7.1

**Policy Subject:** Community Assistance

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** Council provides assistance to community groups and organisations on an ongoing basis. The basis for deciding upon which assistance to be provided is:

- All community groups and organisations are to be treated equally.
- Community groups and organisations must help in providing the assistance.

**Guidelines:** Specific ways in which Council provides assistance are:

- Shire staff and/or skilled Council Members are to operate Shire plant whilst the machine is being used at a Community Busy Bee.
- Community groups making applications for Department of Sport and Recreation/Lotterywest grants to ensure their financial situation and contributions to the project are in place and submitted in writing with the application documents.
- Kukerin Agricultural Society and the Dumbleyung-Kukerin St John Ambulance Sub-Branch be refunded their annual rates and refuse collection charges as a donation.
- That Council contribute the cost of fuel for St John Ambulance Dumbleyung and Kukerin Sub Centres and make further financial contributions as requested in the financial budget process.
- That the photocopying costs of St John Ambulance be reimbursed by the shire due to the organisation being recognised as an emergency services organisation.
- Council will offer annual financial support to the Tarin Rock Tennis Club to a maximum of \$2000 towards its electricity costs.
- That Council, (1) pay accounts for vermin control at Kukerin and Dumbleyung Golf Clubs, and (2) pay for Caltrop control at Dumbleyung Golf Club, and (3) Caltrop at Kukerin Golf Club.
- A weekly rubbish removal during the golf season is to be undertaken at the Lake View Golf Club.
- That no hire shall be applied for the use of the swimming pool for the annual triathlon events and entry to the pool on the day for the duration of this event by the officials, competitors and spectators, shall be free.
- A free Family Season Pass is to be given to the designated Swimming Coach on an annual basis and on request from the designated Swimming Coach.
- That Council will provide to contribute in cash and/or in kind one-third of the total cost of community group projects it supports which are the

subject of Department of Sport and Recreation CSRFF grant applications with the intention of encouraging a grant of similar ratio.

- That a budget allocation be made to provide buses from Kukerin Primary School and back for students to attend in-term swimming lessons.
- That the shire sponsors an end-of-year book award for each school within the shire of Dumbleyung
- That the shire provide in-kind assistance at the Kukerin Agricultural Society's Creekbed and Burnouts Busy Bee.

**Forms & Templates:** Nil

**First Adopted:** 17 May 2018

**Amended:** 19 August 2021, Motion 2021/1110

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## 7.2 Tree Planter Hire & Conditions

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**Policy Number:** 7.2

**Policy Subject:** Tree Planter Hire & Conditions

**Responsible Officer:** Administration Officer

**Policy Statement:** To provide guidelines on the hire of the tree planter.

**Guidelines:** That when hiring out the Shire tree planters, priority is to be given to residents and/or groups located or residing within the Shire of Dumbleyung, and that persons and groups outside the Shire be only permitted to hire the planter on a daily basis.

That the policy relating to the conditions relating to the hire of the Shire tree planter units shall be as under:

The hirer hereby agrees to –

1. Pay the appropriate bond at the time of the booking.
2. Pay for any related damages/cleaning to the tree planter/hand planter that may be necessary following the use of the tree planter/hand planter that exceeds the bond.
3. ***Tree planter/hand planter must be returned to the Shire yard.***
4. The tree planter can only be transported during daylight hours.
5. The tree planter/hand planter must be free of soil and plant materials before it leaves the property and returned to the Shire.
6. If the tree planter/hand planter is not adequately cleaned on return to the Shire, the Shire will either:
  - a) Request that the machine be cleaned at the Shire's wash pad; or
  - b) Shire will undertake cleaning and deduct cleaning costs from deposit.
7. All repairs or maintenance needed to be carried out ***must*** be reported to the Shire prior to the collection of the deposit.
8. The tree planter must be returned at the hirer's earliest convenience as extra charges may apply on a per day basis.
9. Charges will apply to all days that the tree planter/hand planter is in the hirer's possession.
10. Indemnify the Shire of Dumbleyung against any accident or injury that may arise from the hiring of the machine/equipment.
11. Towing vehicle of the mobile tree planters to be limited to 130hp and speed to be not more than 5km per hour during planting operations.

**Forms & Templates:** Nil

**First Adopted:** 16 April 2015

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222



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## 7.3 Community Transport Service

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**Policy Number:** 7.3

**Policy Subject:** Community Transport Service

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** At the August 2018 Ordinary Meeting of Council, it was decided to fund a Community Transport Service from the Bain Estate Future Fund. This service is to operate for a two-year trial, with a review to be completed following the two-year period. A first review was conducted in February 2020.

To provide a community driver transport service to allow residents to attend medical appointments outside of the Shire when they have no viable alternatives.

**Guidelines:**

**Client Eligibility**

This service is available to all residents of the Shire for:

- Journeys to specialist medical appointments.
- Allied health appointments where the service is not available locally.
- Compassionate reasons (separate fees apply).

Clients under the age of 18 shall be required to have a guardian accompany them on the journey.

The Community Transport Service is **NOT** to be used when the client is eligible for WACHS transport services.

Compassionate reasons would apply for the following situations:

- Attendance at funerals
- Visiting a sick partner/relative

**Driver's Eligibility**

Drivers must:

- Hold a current 'C' class driver's licence
- Register as a shire volunteer
- Sign a confidentiality agreement
- Undertake an induction for any relevant OSH, to familiarise themselves with the car and basic procedures (e.g. refuelling, changing tyres) and procedures of how to access the vehicle
- Provide a Police check if required (at the discretion of the CEO)
- Be responsible for any illegal acts undertaken (e.g. speeding)
- Be responsible for any food or drink required while undertaking their duties

First Aid training is recommended but not essential.

**Basic Procedures Before the Journey**

- Client books their appointment for the middle of the day (or as close as possible).

- Client indicates requirement for a journey via the sign-up pad at the CRC.
- Coordinator finds a driver for the journey.
- Coordinator organises times and confirms the trip with the Client and Driver. Coordinator informs the Client of the required payment, made up of a standard fee and the PATS travel contribution (In September 2018 the standard fee was \$50. Approximate total charge will be Perth \$140, Bunbury \$135, Albany \$125, Wagin \$30, Katanning \$30, Narrogin \$30).
- Client gives payment for the journey to the Coordinator (cash only).

#### **Basic Procedures on the Day**

- Driver goes to the Dumbleyung St John Ambulance shed at the organised time, takes the car out and picks up the Client at the arranged point (may be the shed or home; discretion of the Driver is to be used).
- If a wheelchair, baby seat or other aid is required by the client, they are to provide it.
- Partners or guardians are allowed to accompany the Client.
- Driver takes the Client to the building where the appointment is booked. It is not a requirement of the Driver to take the Client to the appointment, though they are not prevented from doing so.
- The Driver parks the car or can use the car for up to 50km to conduct personal business (e.g. shopping).
- The Client pays for any parking fees associated with the appointment.
- Once the Client has finished their appointment, a call is made to the Driver who picks the Client up.
- The Driver takes the Client back to Dumbleyung.
- The Driver returns the car to the Ambulance Shed, finalises the form and locks the shed.

#### **Basic Procedures After the Journey**

- Following the use of the vehicle, the Coordinator (or representative), goes to the shed, fills the car up at the shire depot and cleans the vehicle.
- The Coordinator does a check of the vehicle to ensure roadworthiness and reports to the Shire anything that needs fixing or if a service is due.
- On an as needs basis, the Coordinator deposits the money from the trips to the Shire.

#### **Requirement for Accommodation (not available for compassionate reasons)**

- If an overnight stay is required, accommodation is to be offered to the Driver with the accommodation to be subsidised by the shire to a maximum value of \$100 for one night only. The subsidy will be reimbursed upon presentation of a valid receipt.
- The Client is responsible for making and paying for their own accommodation.
- Alternative accommodation arrangements (e.g. own accommodation, family or friend) for the Client and/or Driver can be made, but only with the consent of the Driver, unless the Client can make their own arrangements to travel between the place of appointment and accommodation. No subsidy will be provided for this option.

### **Coordinator's Role**

The Coordinator is the liaison between the Client, Driver, CRC and the Shire. Their duties (or a representative of the Coordinator) include:

- Liaison between Client and Driver to set up the journey
- Driver induction
- Liaison with the CRC for any bookings
- Receiving money from the Client
- Following use of the vehicle, refuelling and cleaning the vehicle, checking the tyres, inspecting for damage and reporting total km's to the Shire

### **Shire's Responsibilities**

The Shire will be the owner of the vehicle and pay for costs associated with the vehicle and the service. The Shire will also provide limited administration support to ensure the smooth running of the service.

The Shire shall provide a roadworthy vehicle with the following:

- First Aid Kit
- GPS
- RAC Membership
- ACROD Permit
- Mobile Phone
- Bain Estate Future Fund/Shire of Dumbleyung recognition signage
- Sign-up pad for the CRC
- Receipt book
- Volunteer forms
- Client forms

**Forms & Templates:** Nil

**First Adopted:** 20 September 2018, Motion 2018/582

**Amended:** 23 July 2020, Motion 2020/917  
19 August 2021, Motion 2021/1110

## **SECTION 8 – PERSONNEL**

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### **8.1 Employee Acknowledgement, Recognition and Gift Guidelines**

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**Policy Number:** 8.1

**Policy Subject:** Employee Acknowledgement, Recognition and Gift Guidelines

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To provide guidelines for acknowledgement and recognition of employees including gift presentations.

To provide a consistent and equitable approach to acknowledgement of staff occasions such as weddings, engagements, births, illness/accidents, deaths, work milestones and staff departures.

#### **Guidelines:**

##### **1. ADMITTANCE TO HOSPITAL DUE TO ILL HEALTH OR ACCIDENT**

- > Flowers delivered to hospital to a maximum value of \$100 at the discretion of the Chief Executive Officer plus delivery as appropriate.
- > Get well card from the President/Chief Executive Officer/Manager as appropriate.

##### **2. DEATH OF CURRENT EMPLOYEE**

- > Bereavement notice in the newspaper.
- > Flowers delivered to family to a maximum value of \$100 at the discretion of the Chief Executive Officer plus delivery as appropriate.
- > Attendance at funeral by relevant colleagues.
- > Sympathy card to family from the President/Council Members.
- > Sympathy card to family from the Chief Executive Officer and Staff.
- > Paid attendance at the funeral during normal hours for the service only.

##### **3. DEATH OF EMPLOYEE'S HUSBAND, WIFE, CHILD OR PARTNER**

- > Bereavement notice in the newspaper.
- > Attendance at funeral by relevant colleagues (if appropriate).
- > Sympathy card to family from the President/Council Members & Staff.

##### **4. DEATH OF EX-EMPLOYEE (SERVICE OVER 10 YEARS)**

- > Bereavement notice in the newspaper.
- > Attendance at funeral by relevant colleagues (if appropriate).
- > Sympathy card to family from the President/Council Members & Staff.

##### **5. DEATH OF EMPLOYEE'S MOTHER, FATHER, BROTHER OR SISTER**

- > Attendance at funeral by relevant colleagues (if appropriate).
- > Sympathy card to family from the President/Council Members & Staff.

##### **6. DEATH (OTHER THAN PREVIOUSLY MENTIONED)**

- > At the discretion of the President.

##### **7. BIRTHS**

- > Flowers delivered to hospital to a maximum value of \$100 at the

- discretion of the Chief Executive Officer plus delivery as appropriate.
- > Contributions to a present at staff discretion.

## **8. RECOGNITION ON DEPARTURE/RETIREMENT (OTHER THAN TERMINATIONS)**

Service calculations exclude periods of leave without pay and maternity leave.

### **One to Three Years**

- > Card only.
- > Contributions to a present at staff discretion.

### **Over Three Years**

- > Card.
- > Contributions to a present at staff discretion.
- > Farewell function at the choice of departing employee (either no event or a function to the maximum value of \$200 at the discretion of the Chief Executive Officer).
- > Presentation of a gift voucher for \$75.
- > For each year over three (rounding up the year), \$25 will be added to voucher value.

### **Over Ten Years**

- > Card.
- > Contributions to a present at staff discretion.
- > Farewell function at the choice of departing employee (either no event or a function to the maximum value of \$200 at the discretion of the Chief Executive Officer).
- > Presentation of a certificate of service.
- > Presentation of a gift voucher for \$500.
- > For each year over ten (rounding up the year), \$25 will be added to voucher value.

### **Over Fifteen Years**

- > Card.
- > Contributions to a present at staff discretion.
- > Farewell function at the choice of departing employee (either no event or a function to the maximum value of \$200 at the discretion of the Chief Executive Officer).
- > Presentation of a framed certificate of service.
- > Presentation of a gift voucher for \$750.
- > For each year over fifteen (rounding up the year), \$25 will be added to voucher value.

### **Over Twenty Years**

- > Card.
- > Contributions to a present at staff discretion.
- > Farewell function at the choice of departing employee (either no event or a function to the maximum value of \$200 at the discretion of the Chief Executive Officer).
- > Presentation of a framed certificate of service.
- > Presentation of a gift voucher for \$1,000.
- > For each year over twenty (rounding up the year), \$25 will be added to voucher value.

#### **4. RECOGNITION ON LENGTH OF SERVICE**

Service calculations exclude periods of leave without pay and maternity leave.

##### **Ten (10) Years**

- > Certificate presented at end of year Christmas function
- > Engraved Pen with name and length of service and identification that it is from the Shire of Dumbleyung or gift voucher to the value of \$200.

##### **Fifteen (15) Years**

- > Certificate presented at end of year Christmas function
- > Framed photo of Dumbleyung (Lake, Bluebird or appropriate associated photo) with plaque including name and length of service and identification that it is from the Shire of Dumbleyung or gift voucher to the value of \$300.

##### **Twenty (20) Years**

- > Certificate presented at an all staff function held in recognition of employee including an invitation to Council Members.
- > Personalised clock with plaque including name and length of service and identification that it is from the Shire of Dumbleyung or gift voucher to the value of \$500.

##### **Twenty-Five (25) Years**

- > Certificate presented at an all staff function held in recognition of employee including an invitation to Council Members.
- > Engraved Gold/White Gold Watch including name and length of service and identification that it is from the Shire of Dumbleyung or gift voucher to the value of \$1,000.

**Forms & Templates:** Nil

**First Adopted:** 15 August 2019

**Amended:** 17 November 2020, Motion 2020/976  
19 August 2021, Motion 2021/1110

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## 8.2 Additional Shire Superannuation Contributions

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**Policy Number:** 8.2

**Policy Subject:** Additional Shire Superannuation Contributions

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To provide guidelines for additional superannuation contributions.

**Guidelines:** A matching Superannuation Bonus on a dollar for dollar basis up to 3% will be paid by Council on behalf of all Shire employees who volunteer to pay their own superannuation contribution up to 3%. This Shire contribution will be additional to the current SGC which Council is required to pay.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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### 8.3 Conferences, Seminars and Training Courses – General Staff Attendance

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**Policy Number:** 8.3

**Policy Subject:** Conferences, Seminars and Training Courses – General Staff Attendance

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide guidelines for staff attendance at conferences, seminars and training courses.

**Guidelines:** The Chief Executive Officer has authority to approve staff attendance at conferences, seminars and training courses.

All approvals and funding of expenses shall be as per the following guidelines:

- a) To achieve uniform practice throughout the organisation.
- b) To reduce matters placed on Agenda's for Council consideration.
- c) To maximise training opportunities and therefore productivity and efficiency of staff.
- d) Minimise delay in accepting training opportunities.
- e) Expenditure shall be in accordance with Budget provisions.

Standards associated with the attendance of staff at intrastate conferences are:

1. Accommodation in the hotel or venue at which the conference/seminar/course is held, or other nearby venue. Staff must endeavour to achieve the best value for money accommodation at all times.
2. Reasonable meal costs and out of pocket expenses in any one year on verification of these expenses.

#### **Introduction**

Attendance at Conferences, Seminars and Training Courses is considered to be a component of the ongoing education and training of Staff which results in a more efficient service to Council and the community. Such forums provide a means by which information and knowledge can be obtained from other organisations and bodies.

#### **Attendance at Conferences, Seminars and Training Courses**

1. During the budget preparation process, the Chief Executive Officer and each Executive Officer shall determine an allocation of funds sought for Conferences, Seminars and Training Courses.
2. Consideration will be given to:
  - a) The cost of each known Conference, Seminar and Training Course plus a contingency allowance for unforeseen events.
  - b) The duration of the event and expected period of absence.
  - c) The benefit expected to be derived from attendance at such an event.



3. Such approval to attend is only to be granted if the relevant budget provides sufficient funds and the Conference, Seminar or Training Course is of particular relevance to Council's operations.
4. When special funding is required which is not included in the adopted budget for the financial year, the application must be submitted to Council with a report prepared by the Chief Executive Officer on the application.
5. In respect of employees attending approved Conferences, Seminars and Training Courses at Council's direction, the following expenses will be met by Council:
  - a) Registration fees.
  - b) Accommodation and reasonable meal costs, excluding alcohol.
  - c) Minor expenses such as taxis, telephone calls and laundry etc.
  - d) Travelling expenses.
6. In respect of Council staff who voluntarily wish to attend Training Courses to acquire additional skills and qualifications applicable to Council's work environment the following will apply:
  - a) Council at its complete discretion is willing to reimburse meals, travel and accommodation expenses on the following basis. This Policy is not intended to undermine or replace Council's obligations under the various awards where employees undertake training at the direction of Council.

#### **Accommodation**

- a) Should a participant require accommodation then this will be available at a specified venue at Council's expense. Arrangements for these bookings will be made only by Council. Extras and telephone calls will be the participants responsibility except if calls are work related. A register of these calls must be kept to claim reimbursement.
- b) If a participant chooses to stay with relatives or friends there is no payment for accommodation.

#### **Travelling**

- a) Council will allow employees to travel to the course in work time i.e. if the course is to be held in Perth the employee can depart at 1pm on the day prior to the course in order to arrive at approximate normal finishing time. The same principal would apply for any other destination.
- b) All reasonable meal expenses will be reimbursed (receipts required) and paid on return from Perth.
- c) Council may provide a vehicle for travel subject to availability.
- d) When multiple staff are attending the same course, seminar, conference or training then use of a Council Vehicle or car pooling is required unless the otherwise authorised by the CEO.

If any employee does use, under authorisation from the CEO, their own vehicle instead of a Council vehicle, then only the work portion of the trip will be reimbursed.

**Forms & Templates:** Nil

**First Adopted:** 19 June 2014

**Amended:** 19 August 2021, Motion 2021/1110

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## 8.4 Equal Opportunity

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**Policy Number:** 8.4

**Policy Subject:** Equal Opportunity

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To provide guidelines for equal opportunity in the workplace.

**Guidelines:** The Shire of Dumbleyung has in place a policy in respect to equal opportunity as follows:

“The Shire of Dumbleyung recognises its legal obligations under the *Equal Opportunity Act 1984* and will actively promote equal opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, rare disability, religious or political circumstances.

All employment with this Council will be directed towards providing equal opportunity to all employees providing their relevant experience, skills and ability meet the minimum requirements of training.

All promotional policies and opportunities with this Council will be directed towards providing equal opportunity to all employees providing their relevant experience, skills and ability meet the minimum requirements for engagement.

The Shire of Dumbleyung will not tolerate harassment within its workplace. Harassment is defined as unwelcome offensive action or remarks concerning a person’s race, colour, language, ethnicity, political or religious circumstances, gender, marital status or disability.”

The Equal Employment Opportunity goals of the Shire of Dumbleyung are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

The *Equal Opportunity Act 1984* states that it is an offence to actively discriminate against another person because of their:

- Race
- Sex
- Marital status
- Pregnancy
- Political conviction
- Religious conviction
- Impairments (whether physical, intellectual or physiological)
- Colour
- Sexual orientation
- Age
- Family responsibilities
- National extraction or social origin

In the areas of:

- Employment
- Education
- Provision of goods, services and facilities
- Accommodation
- Access to places and vehicles
- Clubs and sporting activities
- Application forms
- Insurance and superannuation schemes

It shall also be noted that the Equal Opportunity Act makes it unlawful to:

- Sexually harass an employee, co-workers, student or tenant
- Discriminate in advertisements
- Victimise a person who makes a complaint under the Act

Also, discrimination in employment is allowed where:

- The person does not have the ability to do the job
- Special services or facilities would be required causing the employer unjustifiable hardship
- Reasonable changes are made to terms and conditions of employment
- Having a disability is a genuine occupational qualification of the job
- Measures are taken to meet the special needs of people with disabilities
- Domestic work is carried out in a private household

**Forms & Templates:** Nil

**First Adopted:** April 2004

**Amended:** 19 August 2021, Motion 2021/1110

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## 8.5 Outside Staff After Payday Refreshments

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**Policy Number:** 8.5

**Policy Subject:** Outside Staff After Payday Refreshments

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for outside staff after payday refreshments.

**Guidelines:** One carton of beer consisting of half a carton of mid strength and half a carton of full strength is to be supplied to the Shire staff each fortnightly pay day with the understanding that a responsible person such as a senior officer or the Works Supervisor, Plant Mechanic, Leading Hand or Council Member be present at the depot and in charge and make every effort to restrict the consumption of alcoholic drinks to two (2) per employee. Employees are encouraged to drink responsibly. Other gifted cartons of beer are to be consumed at the discretion of the Director of Infrastructure. Gifts must be disclosed in line with the gift rules as set out in the *Local Government Act 1995* and associated regulations.

**Forms & Templates:** Nil

**First Adopted:** 20 April 2017

**Amended:** 19 August 2021, Motion 2021/1110

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## 8.6 Christmas Bonus

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**Policy Number:** 8.6

**Policy Subject:** Christmas Bonus

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To provide guidelines for the Christmas bonus paid to Shire employees.

**Guidelines:** At the discretion of the Chief Executive Officer, after satisfactory staff performance assessments have been completed, employees who meet the following criteria are to receive a Christmas bonus of up to \$1,000, to be paid during December:

1. Must be a permanent employee (i.e. not being paid casual rates)
2. Work a minimum of 15 hours per week; and
3. Do not have a negotiated salary package (such as a contract)

Employees who have been employed for less than 12 months at the time of the bonus payment, are to receive their bonus on a pro-rata basis depending on length of service during that calendar year.

**Forms & Templates:** Nil

**First Adopted:** 19 December 2019, Motion 2019/820

**Amended:** 19 August 2021, Motion 2021/1110  
21 April 2022, Motion 2022/038

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## 8.7 Shire Equipment & Shire Vehicles – Private Use by Shire Staff

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**Policy Number:** 8.7

**Policy Subject:** Shire Equipment & Shire Vehicles – Private Use by Shire Staff

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for staff use of shire equipment and vehicles.

**Guidelines:**

**Heavy**

All shire staff may use heavy plant and equipment at their place of residence within the shire for general maintenance work, free of charge except for fuel costs, on approval of application to the Chief Executive Officer and Director of Infrastructure. Special requests are to be considered by Council. Such examples of heavy equipment are the grader, loader, backhoe, skid steer and truck. The Director of Infrastructure to control such usage.

**Light**

All shire staff may use light equipment within the shire for general maintenance work at their place of residence within the shire, free of charge except for fuel costs, on approval of application to the Chief Executive Officer and Director of Infrastructure. Such examples of light equipment are lawnmowers, whipper snippers and trailers. Old stock can be used for one off occasions. The Director of Infrastructure to control such usage.

**Private Use Terms and Conditions**

1. All shire staff may use shire vehicles, utilities and trucks free of charge, except for fuel costs on approval of application to the Chief Executive Officer and Director of Infrastructure. Such use to be in own time, not Council time.
2. Staff using shire equipment or vehicles must have the appropriate licence required, be trained, qualified and proficient in the use of the vehicle or equipment being privately used, particularly heavy plant and equipment.
3. The shire equipment or vehicle must be returned in a clean and fully serviceable condition and any damage to equipment or vehicles will be repaired at the user's cost.
4. Council does not take any responsibility in relation to break downs, faults or mishaps that may occur while the equipment or vehicle is being used, nor for any workplace Health and Safety responsibilities.
5. Where personal protective equipment (PPE) is required, it is the responsibility of the employee to ensure such PPE is used when operating the equipment or vehicle at their own cost. The staff using the equipment or vehicle are responsible for their own Workers Compensation and insurance.
6. The Shire Equipment and Shire Vehicles Form must be completed, signed by the Chief Executive Officer and Director of Infrastructure and returned to the Administration Office prior to use.

7. Staff using shire equipment or vehicles must only use the equipment or vehicle for personal use and cannot use the equipment or vehicle for profitable gain.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 8.8 Shire Outside Staff Hours

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**Policy Number:** 8.8

**Policy Subject:** Shire Outside Staff Hours

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for outside staff hours.

**Guidelines:** That the outside workforce be allowed to work reasonable overtime on normal working weekdays with approval of the Works Supervisor.

Weekend works paid at normal overtime rates is limited to the following activities:

- Winter grading;
- Special Occasions;
- Emergencies; and
- When required to fit in with Contractors i.e. Tarring

All other weekend work must be taken as Time In Lieu at single time.

Only five (5) days of Time in Lieu can be accumulated at any time, then it must be taken. Time in Lieu cannot be paid out.

All overtime must be approved by the Chief Executive Officer or Director of Infrastructure.

Private Works should be scheduled into the normal working week.

**Forms & Templates:** Nil

**First Adopted:** 24 July 2016

**Amended:** 19 August 2021, Motion 2021/1110



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## 8.9 Staff Relocation Expenses

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**Policy Number:** 8.9

**Policy Subject:** Staff Relocation Expenses

**Responsible Officer:** Director of Corporate Services

**Policy Statement:** To provide guidelines on payment of staff relocation expenses.

**Guidelines:** Relocation expenses to a maximum sum of \$5,000 will be paid – 50% on commencement of employment and 50% after 12 months to Senior Staff (subject to negotiation) and other staff (subject to negotiation with the Chief Executive Officer).

**Forms & Templates:** Nil

**First Adopted:** 19 June 2014

**Amended:** 19 August 2021, Motion 2021/1110  
21 July 2022, Motion 2022/099

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## 8.10 Staff Service Pay

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**Policy Number:** 8.10

**Policy Subject:** Staff Service Pay

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To provide guidelines for levels of staff service pay.

**Guidelines:** The level of service pay for full time employees only and to include inside staff, except those on contract be:

After:	First year of service	\$10 per week
	Second year of service	\$13 per week
	Third year of service	\$17 per week
	Fourth year of service	\$20 per week
	Fifth year of service	\$24 per week
	Tenth year of service	\$27 per week
	Fifteenth year of service	\$30 per week
	Twentieth year of service	\$33 per week

**Forms & Templates:** Nil

**First Adopted:** September 1999

**Amended:** 19 August 2021, Motion 2021/1110  
18 April 2024, Motion 2024/367

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## 8.11 Staff Volunteers – WAFB, Ambulance and Bush Fire Brigade

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**Policy Number:** 8.11

**Policy Subject:** Staff Volunteers – WAFB, Ambulance and Bush Fire Brigade

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for staff volunteers attending training courses or emergencies.

**Guidelines:** Staff who are members of essential volunteer organisations such as the above mentioned, be allowed to attend the organisations training courses and/or emergencies in Council time without less pay or leave if they are held during the working hours for up to 3 days per annum (unless otherwise approved by Council), with an option to come to Council for authorisation for more.

**Forms & Templates:** Nil

**First Adopted:** April 1997

**Amended:** 19 August 2021, Motion 2021/1110

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## 8.12 Uniforms – Council Administration Staff

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**Policy Number:** 8.12

**Policy Subject:** Uniforms – Council Administration Staff

**Responsible Officer:** Creditors Officer

**Policy Statement:** To provide guidelines for uniforms for administration staff.

**Guidelines:** Council will pay up to a maximum of \$400 towards the cost of an approved Corporate uniform per year, providing that permanent staff from the Council offices, library shall wear that uniform. It is acknowledged that the full uniform cannot be worn every day, however clothing of an equivalent standard should be worn on other days.

**Guidelines**

Payments in accordance with this Policy will also apply by negotiation to Executive Officers including the Chief Executive Officer.

**Note**

This allowance is based on the protective clothing allowance paid to MEU staff.

**Forms & Templates:** Nil

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110

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## 8.13 Works Staff Uniform

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**Policy Number:** 8.13

**Policy Subject:** Works Staff Uniform

**Responsible Officer:** Creditors Officer

**Policy Statement:** To provide guidelines for uniforms for outside work staff.

**Guidelines:** That Council will provide clothing to all works staff in accordance with the award, incorporating reflective colours that meet the Australian Standards.

Each employee is to be provided with a uniform kit to the maximum units of the below:

- 3 pairs of pants (not  $\frac{3}{4}$  length), replaced yearly
- 3 long sleeve shirts (safety variety with reflectors), replaced yearly
- 1 jumper (safety variety with reflectors), replaced on an as needs basis
- 1 rain coat (safety variety with reflectors), replaced on an as needs basis
- 5 pairs of work socks same colour as pants, replaced yearly
- Safety boots issued upon start as required and replaced on an as needs basis
- 1 wide brim hat replaced on an as needs basis

Staff who arrive at work not wearing the required uniform will be directed to return home to change before being allowed into the workplace and this time will be considered as leave without pay on the employees timecard. An employee is allowed to enter the workplace without the required uniform where a medical certificate is provided with a reason justifying for non-compliance, or extenuating circumstances considered acceptable by the Works Supervisor.

The uniform purchased will be replaced on either an as needs basis or on a yearly basis as outlined above.

### **Objective**

To provide a safe and adequate uniform for all Works Staff that incorporates Occupational Health and Safety Standards protecting the employee from the sun and other environmental conditions relating to the work performed.

**Forms & Templates:** Nil

**First Adopted:** 16 April 2015

**Amended:** 19 August 2021, Motion 2021/1110  
18 April 2024, Motion 2024/367

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## 8.14 Staff Leave Provisions During a Pandemic

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**Policy Number:** 8.14

**Policy Subject:** Staff Leave Provisions During a Pandemic

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** It is acknowledged that during a pandemic there are likely to be employees who may need to take extended periods of leave due to personal ill health or in order to care for vulnerable family members including: children, elderly, disabled or those with pre-existing medical conditions.

To determine the conditions for payment to employees who are absent from work during a pandemic.

**Guidelines:** Under its general duty of care, the Shire must ensure that all employees attending work are fit to undertake the duties and responsibilities of their position. Managers may require an employee to leave the workplace if they believe the employee is not fit for work and/or to obtain a medical certificate to confirm fitness to return to work following a period of ill health or absence to care for family members to avoid transmission of infection).

Employees who are absent due to ill health or caring responsibilities will be paid in accordance with the relevant industrial instrument and this policy. These include:

1. Personal (Sick or Carer's) leave entitlements
2. Accrued annual or long service leave entitlements
3. Additional hours accrued in lieu of overtime or through flexible working arrangements
4. Pro-rata annual leave (up to four weeks maximum, pro-rata for part time employees)
5. Leave without pay (Sickness benefits may be available via Centrelink)
6. Work from home (where applicable and approved) subject to a review at the end of two weeks

When all leave entitlements have been exhausted and/or working from home arrangements are not reasonable or practical, the employee may be granted leave without pay. Alternately, where the employee can demonstrate that taking unpaid leave will result in hardship, other (discretionary) options may be considered.

In relation to discretionary options, the Chief Executive Officer (CEO), or a person appointed by the CEO, will determine applications on a case by case basis.

Discretionary options may include:

1. Taking annual leave or personal leave in advance (up to a maximum of two weeks, pro-rata for part time employees) to be deducted from future accruals until repaid or deducted from the termination pay where

the employee ceases employment prior to accruing sufficient entitlements.

2. Other arrangements as determined by the CEO or a person appointed by the CEO.

**Forms & Templates:** Nil

**First Adopted:** 16 April 2020, Motion 2020/867

**Amended:** 19 August 2021, Motion 2021/1110

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## 8.15 Grievances

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**Policy Number:** 8.15

**Policy Subject:** Grievances

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide all employees with the ability to raise a grievance or complaint with respect to their employment via an impartial internal process.

This policy aims to ensure that grievances and complaints are resolved in a timely, fair and transparent manner in accordance with the principles of natural justice.

**Guidelines:** This policy applies to grievances raised by employees, contractors and volunteers engaged or appointed by the Shire of Dumbleyung in relation to employment or workplace related matters. This policy does not apply to complaints about the Chief Executive Officer (CEO).

### **Definitions**

***Complaint*** - The grievance relating to employment or workplace matters raised by the complainant.

***Complainant*** - An employee, contractor or volunteer who raises a complaint.

***Respondent*** - An employee, contractor or volunteer who is alleged to have acted in a manner the subject of the complaint.

***Support Person*** - A person chosen by the complainant and respondent to attend meetings with them, where practicable. The role of a support person is not to advocate on behalf of anyone, but to provide emotional and practical support.

***Witness*** - A person, including an employee, who is requested by the Shire of Dumbleyung to assist the process by providing relevant information regarding the complaint.

### **1. What to do if you have a complaint**

If the complainant believes they are the subject of behaviour that is inconsistent with the Shire of Dumbleyung's Code of Conduct, policies and procedures, the complainant may raise a complaint by following the process in the Grievance Procedure.

### **2. If a complaint is about the CEO**

If the complaint is about the CEO, the Grievance Policy and Procedure does not apply. A complaint about the CEO must be raised directly with the Shire President, who will liaise with WALGA for advice and support.

### **3. Key principles in the complaint resolution process**

The following principles are necessary for the fair investigation and resolution of a complaint:

**Confidential** – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Dumbleyung may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are



required to keep the matter confidential, including the complainant, respondent and witnesses. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint. This requirement does not preclude a complainant, respondent, witness or the Shire of Dumbleyung from seeking legal, financial or other professional advice;

**Impartial (fair/unbiased)** – Both parties will have an opportunity to put their case forward. No assumptions will be made, and no action will be taken until available and relevant information has been collected and considered by either an impartial employee of the Shire of Dumbleyung or an externally appointed investigator;

**Sensitive** – The Shire of Dumbleyung will endeavor to ensure employees who assist in responding to complaints are trained to manage complaints sensitively and administer a process that is free of coercion or intimidation;

**Timely** - The Shire of Dumbleyung aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;

**Documented** – All complaints and investigations will be documented. In formal grievance processes, records will be kept of all documents collected and drafted as part of that process. For more informal processes, a file note or note in a diary will be sufficient;

**Procedural Fairness** – The principles of procedural fairness provide that:

- a respondent has the right to respond to the allegations before any determination is made;
- a respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation;
- anyone involved in the investigation should be unbiased and declare any conflict of interest;
- decisions must be based on objective considerations and substantiated facts;
- the Complainant and Respondent have the right to have a support person present at any meetings where practicable.
- the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- a Respondent is entitled to receive verbal or written communication from the Shire of Dumbleyung of the potential disciplinary outcome if the allegations arising from the complaint are proven;
- the Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- any mitigating circumstances presented to the Shire of Dumbleyung through the grievance process are investigated and considered;
- any witnesses who can reasonably be expected to help with an inquiry or investigation process should be interviewed; and
- all interviews of witnesses are conducted separately and confidentially.

#### **4. Outcome of a complaint**

If a complaint against a respondent is substantiated, there are a number of possible outcomes as detailed in the Grievance Procedure.

#### **5. Victimisation of complainant, respondent or witness**

A complainant, respondent or witness should not be victimised for making

a complaint, being the subject of a complaint or providing information about a complaint. Anyone responsible for victimising a complainant, respondent or witness may be subject to disciplinary action, including but not limited to termination of employment.

#### **6. Reporting obligations**

The Shire of Dumbleyung must comply with its obligations to report minor or serious misconduct to either the Public Sector Commission or Corruption and Crime Commission in accordance with the *Corruption, Crime and Misconduct Act 2003* (WA).

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003* (WA).

**Forms & Templates:** Attachment 1 – Grievances Procedure

**First Adopted:** 17 December 2020, Motion 2020/994

**Amended:** 19 August 2021, Motion 2021/1110

## **8.15 Attachment 1 - Grievances Procedure**

The Shire of Dumbleyung is committed to providing employees with a Grievance Procedure, which is based on the principle of fairness outlined in the Grievance Policy, to be used in the resolution of any complaint. The aim of this procedure is to resolve a complaint as quickly and confidentially as possible.

### **1. Application**

This procedure applies to grievances raised by employees, contractors and volunteers engaged or appointed by the Shire of Dumbleyung in relation to employment or workplace related matters. This procedure does not apply to the Chief Executive Officer.

### **2. Definitions**

Terms are defined in the Grievance Policy.

### **3. First step in making a complaint**

#### **3.1 Self-resolution or dealing with concern directly**

A complainant should attempt to resolve the issue directly with the respondent concerned in the first instance. The complainant should identify the specific conduct of the complaint, explain the impact of that conduct on the complainant, and request that the conduct stops. In some circumstances, the respondent may be unaware that their behaviour offends the complainant. These actions should be taken as soon as possible.

#### **3.2 Complainant is uncomfortable with direct approach**

If a complainant is not comfortable attempting to resolve the issue directly with the respondent, if their attempts to resolve the issue are unsuccessful or if the issue is serious, the complainant should seek guidance from the Payroll & Rates Officer on the options available to the complainant.

The complainant will have the choice whether to proceed with or withdraw their complaint. If the Shire of Dumbleyung deems the complaint to be sufficiently serious, it may continue to investigate the complaint even if it has been withdrawn, to ensure the Shire complies with its legislative obligations.

### **4. Informal complaint procedure**

#### **4.1 When can a complaint be managed informally?**

A complaint can be dealt with on an informal basis where:

- the allegations are not serious, for example interpersonal conflict or a minor breach of Shire of Dumbleyung's policies and procedures
- the complainant is reluctant to lodge a formal complaint, or
- the complainant and the respondent work together closely on a regular basis and the preservation of the employment relationship is paramount.

#### **4.2 Process to follow:**

The informal complaint procedure may be approached as follows:

- the complainant should approach their line manager or the Payroll & Rates Officer to outline their concerns, the desired outcome and any ideas for resolution of the complaint
- the complainant's line manager or the Payroll & Rates Officer will explain the various options open to the complainant for the resolution of the complaint, and
- if the complainant chooses to proceed with the complaint, the Payroll & Rates Officer can either:
  - arrange for a mediation between the complainant and the respondent
  - meet with the complainant and the respondent separately to discuss the issues and explore possible solutions, and/or
  - write to the complainant and the respondent to obtain further information about the complaint and to explore potential solutions.

#### 4.3 Outcomes

If the matter is resolved to the satisfaction of all parties, the matter will be concluded.

If the matter is not resolved, the line manager and the Payroll & Rates Officer will determine what further action is required.

All meetings with the complainant and the respondent should be documented and any correspondence between the parties should be retained on a confidential basis by the Payroll & Rates Officer.

## 5. Formal complaint procedure

### 5.1 When must a complaint be managed formally?

A complaint must be dealt with through the formal complaint procedure where:

- the complaint involves serious allegations, including but not limited to, sexual harassment, discrimination, criminal conduct, serious or multiple breaches of Shire of Dumbleyung's policies and procedures, or breach of the *Local Government Act 1995*
- the complaint involves a particularly sensitive or personal matter, or
- a formal complaint procedure is deemed appropriate in the circumstances by the line manager and the Payroll & Rates Officer.

### 5.2 What should a formal complaint include?

A formal complaint should be made in writing and include the following information:

- the complainant's name and contact details
- details of the specific incident or issue being complained about including the time, date, location and what was said or done
- if the complaint is about a person, the identity of the respondent and their relationship to the complainant

- the names of any witnesses who were present during the specific incident or who have first-hand knowledge of the issue being complained about
- the outcome the complainant is seeking, and
- any action that has already been taken in an effort to resolve the issue.

### 5.3 Preliminary inquiries

Before commencing a formal investigation, the line manager or the Payroll & Rates Officer may conduct a preliminary inquiry.

The purpose of a preliminary inquiry is to:

- obtain details about the complaint and assess the seriousness of the allegations
- determine the level of factual dispute
- assess whether there is sufficient evidence to proceed to a formal investigation, and
- determine whether the Shire of Dumbleyung should proceed with an investigation or refer the matter to an external authority.

It may be appropriate to refer a matter to an external authority where the alleged conduct is potentially of a criminal nature, breaches the *Local Government Act 1995* or may need to be dealt with by the Corruption and Crime Commission.

### 5.4 Investigation procedure

#### 5.4.1 External investigator

If necessary, the line manager and the Payroll & Rates Officer may require a formal investigation to be conducted. The Shire of Dumbleyung can elect to appoint a person from outside the Shire to conduct the formal investigation or an appropriate Shire of Dumbleyung employee may conduct the investigation.

#### 5.4.2 Role of an investigator

The role of an investigator is to collect information about the complaint and make findings about whether any allegations are substantiated. The investigator is responsible for ascertaining facts, reviewing documentation, interviewing parties and making a determination about whether or not the allegations are substantiated. In conducting an investigation, the investigator should comply with the Grievance Policy, particularly the principles of procedural fairness. The depth and scope of the investigation will depend on the nature of the complaint, however, as a general guide the following should be covered by the investigation report:

- the circumstances of any allegations made
- a list of allegations made by the complainant, the respondent's response to the allegations and whether any of the allegations are substantiated
- outline where any policies or legislation have been breached
- evidence related to the complaint include any documentation such as emails, letters and witness statements, and

- any mitigating circumstances that have been presented through the investigation on behalf of the respondent.

## **6. Outcome and action**

### **6.1 Substantiated complaints and potential outcomes**

The potential outcomes that may be sought if a complaint has been investigated and substantiated will depend on the nature of the complaint. Some possible outcomes include the following:

- an apology from the respondent to the complainant (written or verbal)
- agreement from the respondent that the behaviour will not be repeated
- a respondent may be issued with a verbal or written warning
- transfer, demotion or termination of the respondent's employment
- counselling for the complainant and/or respondent
- a mediation between the complainant and respondent
- implementation of a training program, or
- changes to the Shire of Dumbleyung's policies.

### **6.2 Disciplinary action**

The outcome of the investigation will dictate whether disciplinary action is taken. What disciplinary action is taken is a matter of discretion for the Shire of Dumbleyung.

### **6.3 Performance concerns**

If the complaint involves a performance issue, the line manager of the respondent may commence a formal or informal performance management process with the respondent or discipline the respondent.

## **7. Vexatious or malicious complaint**

If a complaint is found to be deliberately vexatious or malicious after an investigation, the complainant may be subject to disciplinary action, including but not limited to, termination of employment.

## **8. Other resources**

An investigation into a complaint may require the Shire of Dumbleyung to utilise resources from outside the organisation to help resolve the situation, including:

- an Employee Assistance Program
- use of an independent investigator, or
- use of an independent mediator.

## **9. Variation to this procedure**

This procedure may be amended from time to time. The Shire of Dumbleyung's employees will be notified of any variation to this procedure by the normal correspondence method.

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## 8.16 Annual, Personal / Carers and Long Service Leave

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**Policy Number:** 8.16

**Policy Subject:** Annual, Personal / Carers and Long Service Leave

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** This policy defines the nature and purpose of annual leave, personal/carers and long service leave, setting out entitlements, eligibility criteria and other conditions that apply to the provision of these types of leave. The process, expectations and requirements for any relevant requests, notification and the management of these types of leave are also outlined in this policy.

### **Guidelines:**

#### **Application**

This policy applies to all employees who are entitled to the relevant class of leave identified within this policy.

Annual leave and paid personal carers leave is not provided to casual employees.

This policy is to be read in conjunction with the Fair Work Act 2009 (Cth) National Employment Standards (**FW Act NES**), any applicable legislation and the Local Government Industry Award 2010 (Award).

All Shire of Dumbleyung employees should read this Policy and sign the Statement of Understanding to acknowledge they have read and understood this Policy.

#### **ANNUAL LEAVE**

Annual leave is designed to give periods of rest and relaxation from working life. The Shire of Dumbleyung supports and encourages the taking of annual leave at regular intervals to enable employees to enjoy frequent breaks from working life.

#### **Entitlement**

Full time and part time employees are entitled to an amount of 4 weeks annual leave or as prescribed within either their contract of employment, the FW Act NES, or the Award.

#### **Leave Request Procedure**

Leave application forms are required to be completed and submitted for approval to the employee's relevant Manager/Supervisor. Where practicable, such applications should be made at least one month before the intended leave date.

Leave application forms should be signed by the applicant and the responsible Manager/ supervisor. Following approval, signed leave application forms are required to be forwarded to the Payroll Officer for processing.

### **Approval and Management of Leave**

The Shire of Dumbleyung will endeavour to approve leave applications to meet the convenience of the employee, however, although no request for annual leave will be unreasonably refused, the needs of the Shire of Dumbleyung will be considered in each circumstance. Such considerations may include, but are not limited to:

- Shire of Dumbleyung operational requirements;
- peak workload periods;
- availability of relief/coverage arrangements;
- peak period for taking leave or multiple employees seeking leave; and
- Works schedules of the Outside Staff.

Managers and/or supervisors of each work team shall be responsible for the management of the taking of annual leave within their team and endeavour to develop and maintain a leave roster ensuring that adequate coverage of necessary work functions are maintained.

### **Excessive Accrual of Annual Leave**

An annual leave accrual of more than eight weeks is regarded as excess annual leave, in accordance with the Award. Where an employee has accrued excess annual leave they may be directed by the Shire of Dumbleyung to take annual leave in order to reduce their leave balance to eight weeks. Any such direction will be in writing and provide a minimum of eight weeks' notice. Other terms about excessive annual leave accruals will be in accordance with the Award.

### **Annual Leave During Closedown (Christmas/New Year shutdown period)**

The Shire of Dumbleyung may direct an employee to take annual leave during a period of close-down of its operations over the Christmas - New Year shutdown period.

### **Outside Staff**

For Outside Staff the period of shut down is to be determined by the Chief Executive Officer on an annual basis, with a 4 week period (inclusive of public holidays) being preferred.

In the event of a 4 week shutdown employees would be required to use 3 weeks annual leave and 1 week of public holidays to cover the 4 week period. Any such direction will be in writing and provide a minimum of four weeks' notice. Employees can use any remaining annual leave over the course of the year, at a time that is mutually agreeable to both parties and doesn't negatively affect the work schedule, as per "Approval and management of leave".

### **Leave in Advance**

Employees are entitled to receive leave in advance of the accrual of their annual leave entitlement, where agreed with their Manager/supervisor.

Leave taken in advance that has not yet accrued at the date of termination may be deducted from the employee's termination payment.

### **Personal Carers Leave**

Personal/carers leave enables employees to take time off work when personally ill, injured or incapacitated or to provide care or support to a member of the employee's immediate family or household who requires support because of a personal illness, injury or an unexpected emergency.



### **Entitlement**

Full time and part time employees are entitled to an amount of personal/carers leave as proscribed with either their contract of employment, the FW Act NES, and the Award.

### **Notification**

An employee who is absent from work due to personal illness or injury or due to their being required to provide care or support to a member of their immediate family or household will be required to make contact with their Manager/supervisor as soon as is reasonably practicable to advise their supervisor of their absence from work and the estimated duration of the absence.

If an employee fails to make contact within a reasonable timeframe, the Manager/supervisor may make arrangements to contact the staff member to confirm the reason for their absence.

A failure to provide the required notification as outlined above may expose an employee to disciplinary action.

On return to work employees are required to complete a leave of absence form and provide this to their Manager/supervisor. If a sick leave certificate has been obtained this is to be attached to the form. Completed leave forms are required to be forwarded to the Payroll officer for processing.

### **Evidence Requirements**

An employee who is absent on a period of personal/carers leave for more than two consecutive working days is required to provide proof of illness or injury.

An employee may be required to provide proof of illness or injury for absences of less than two consecutive working days in certain circumstances, such as when the staff member has a pattern of recurring absences on personal leave or when there is evidence that a staff member may not have used personal/carers leave for its proper purpose.

Where evidence is required, the employee is required to provide the Shire of Dumbleyung with proof of illness or injury which would satisfy a reasonable person, which will generally be a medical certificate from a registered health practitioner or a registered medical practitioner. If it is not reasonably practical for an employee to provide the required proof of illness or injury, a statutory declaration by the employee must be provided.

If an employee wishes to return to work during the period covered by a medical certificate, the employee must obtain a certificate of clearance to work from a registered health or medical practitioner.

If the Shire of Dumbleyung believes that the medical certificate provided by an employee does not comply with this policy, the staff member will be given a copy of this policy and will be asked to provide an updated or amended certificate within a specific timeframe.

The Shire of Dumbleyung may contact the registered health practitioner or registered medical practitioner provided in any certificate to seek verification of the medical certificate provided, however, the Shire of Dumbleyung will not seek information on the cause/s of the symptoms or seek identification of the illness or injury, unless the staff member provides specific written permission for the Shire of Dumbleyung to do so.

If a complying proof of illness or injury is not provided, the personal/carers leave may be treated as leave without pay.

### **Unpaid Carers Leave**

Where an employee has exhausted all their paid personal/carers leave entitlements, an employee may take up to two days of unpaid carers leave to provide care or support to a member of their immediate family or household on each permissible occasion.

### **Unpaid Personal Leave**

Where an employee would ordinarily take paid personal leave, but has exhausted all their paid personal/carers leave and annual leave entitlements, at the discretion of the Chief Executive Officer and upon request from an employee, the Shire of Dumbleyung may grant an employee leave without pay.

## **LONG SERVICE LEAVE**

Long service leave is additional leave with pay granted to employees after a long period of continuous service. Its purpose is to recognise the employee's service and to enable the employee to have a lengthy period of rest and relaxation during his/her working life.

### **Entitlement**

Employees are entitled to a period of long service leave as proscribed within the *Local Government (Long Service Leave) Regulations*, being 13 weeks of Long Service Leave after 10 years of continuous service.

For part time and casual employees, the long service leave entitlement is based on the average number of ordinary hours for the employee's previous twelve months.

It is not possible to take long service leave prior to 10 years continuous service.

The Shire of Dumbleyung will endeavour to inform an employee in writing when they become eligible for long service leave.

### **Taking Long Service Leave**

An employee is required to give two months' written notice to their Manager/supervisor of their intention to take long service leave following the accrual of long service leave entitlement, unless agreed with the Shire of Dumbleyung to be taken earlier.

Alternatively, the Shire of Dumbleyung may direct an employee to take long service leave by providing two months' written notice.

Upon taking long service leave, an employee will be paid at their ordinary time rate, excluding all allowances, for 13 weeks.

However, if the Shire of Dumbleyung agrees, long service leave may be taken by an employee as:

- Leave at half ordinary time pay over 26 weeks; or
- Leave at double ordinary time pay over 6.5 weeks; or
- Leave taken over a maximum of three separate periods.

Long Service Leave is inclusive of public holidays and cannot be cashed out.

**Delay in Taking Long Service Leave**

If an employee delays the taking of part or all of their long service leave entitlement beyond 10 years and six months, the rate of pay that will be provided to the employee during their long service leave will be the ordinary time rate which applied to the employee at the 10 year and six month mark.

**Transfer or Pro – Rata Long Service Leave on termination**

If an employee transfers their employment to an applicable municipal organisation, as provided for under *Local Government (Long Service Leave) Regulations*, the employee may be eligible to transfer their service to maintain continuity of service for the purposes of long service leave accrual.

However, where an employee has an untaken long service leave entitlement and the employee’s employment ends before the employee has taken the long service leave, the employee is to be paid out their long service leave entitlement on termination.

Further, pro-rata long service leave becomes due after seven years of service. If an employee is not eligible to transfer their leave to another applicable organisation any long service leave accrued to this point will be paid out on termination.

**Variation to this Policy**

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice and compliance with the relevant legislation. All the Shire of Dumbleyung employees will be notified of any variation to this policy by the normal correspondence method.

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**Statement of Understanding – Annual, Personal / Carers and Long Service Leave Policy**

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I confirm I have received and read a full copy of the Shire of Dumbleyung’s Annual, Personal / Carers and Long Service Leave Policy, and I understand it is a condition of my contract of employment with the Shire of Dumbleyung that I must comply with the terms and conditions of this Policy.

Employee’s Printed Full Name: _____
Employee’s Signature: _____
Date: _____

***Please forward a signed copy to the Payroll Officer.***

**Forms & Templates:** Nil

**First Adopted:** 16 September 2021, Motion 2021/1133

**Amended:**

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## 8.17 Code of Conduct for Employees

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**Policy Number:** 8.17

**Policy Subject:** Code of Conduct for Employees

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** The Shire of Dumbleyung Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire of Dumbleyung's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

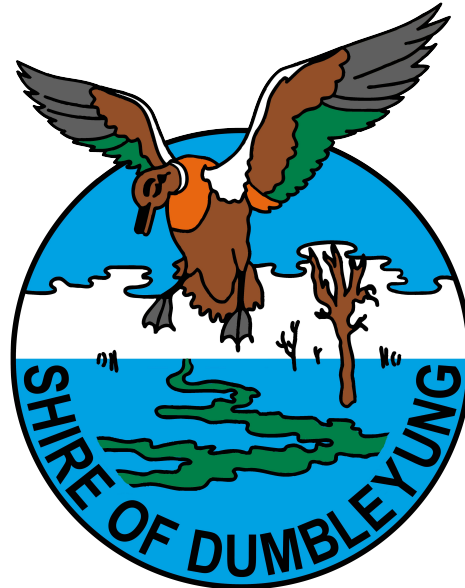
- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *more efficient and effective local government.*

**Guidelines:** The Code of Conduct for Employees as attached, forms part of these guidelines.

**Forms & Templates:** Attachment 1 – Code of Conduct for Employees

**First Adopted:** 16 September 2021, Motion 2021/1034

**Amended:**



# SHIRE OF DUMBLEYUNG

## CODE OF CONDUCT FOR EMPLOYEES

(Based on the WALGA Base Template Code of Conduct for Employees)

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## 1 INTRODUCTION

The Shire of Dumbleyung Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire of Dumbleyung's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *more efficient and effective local government.*

### 1.1 Statutory environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

### 1.2 Application

For the purposes of the Code, the term employees includes, persons employed by the Shire of Dumbleyung or engaged by the Shire of Dumbleyung under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

## 2 VALUES/VISION/MISSION

**The Community Vision is:**

**"A vibrant shire which is sustainable, which has a high local Community of Interest, & which supports the pursuit of quality lifestyles of the people of the area"**

**Council's Mission Statement is:**

**"To preserve, promote & enhance the quality of life of the people of the Shire of Dumbleyung by providing quality Local Government Services through Good Governance, Responsible Leadership, Efficient & Effective Operations, regular & receptive Community Consultations, proficient Financial Management, high Accountability, & the pursuit of growth & economic opportunities for the people of the Shire"**

### 3 CODE OF CONDUCT

#### 3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act.

##### 5.41. Functions of CEO

*The CEO's functions are to:*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

*Local Government Act 1995*

#### 3.2 Principles affecting employment by the Shire of Dumbleyung

The principles set out in section 5.40 of the Act apply to the employment of the Shire of Dumbleyung's employees:

##### 5.40. Principles affecting employment by local governments

*The following principles apply to a local government in respect of its employees —*

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) employees are to be treated fairly and consistently; and*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

*Local Government Act 1995*



### **3.3 Personal Behaviour**

Employees will:

- (a) Act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the Shire of Dumbleyung;
- (b) Perform their duties impartially and in the best interests of the Shire of Dumbleyung, uninfluenced by fear or favour;
- (c) Act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Dumbleyung and the community;
- (d) Make no allegations which are improper or derogatory (unless true and in the public interest);
- (e) Refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (f) Always act in accordance with their obligation of fidelity to the Shire of Dumbleyung.

### **3.4 Honesty and Integrity**

Employees will:

- (a) Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) Be frank and honest in their official dealing with each other; and
- (c) Report any dishonesty or possible dishonesty on the part of any other employee to their Line Manager or the CEO in accordance with this Code and the Shire of Dumbleyung's policies.

### **3.5 Performance of Duties**

While on duty, employees will give their whole time and attention to the Shire of Dumbleyung's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire of Dumbleyung.

### **3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies**

- (a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their Line Manager, Manager or the CEO.
- (b) Employees will give effect to the lawful decisions and policies of the Shire of Dumbleyung, whether or not they agree with or approve of them.

### **3.7 Administrative and Management Practices**

Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

### **3.8 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Dumbleyung upon its creation unless otherwise agreed by separate contract.

### **3.9 Recordkeeping**

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire of Dumbleyung's Recordkeeping Plan.

### **3.10 Dealing with Other Employees**

- (a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (b) Employees must be aware of, and comply with their obligations under relevant law and the Shire of Dumbleyung's policies regarding workplace behaviour and occupational safety and health.
- (c) Employee behaviour should reflect the Shire of Dumbleyung's values and contribute towards creating and maintaining a safe and supportive workplace.

### **3.11 Dealing with community**

- (a) Employees will treat all members of the community with respect, courtesy and professionalism.
- (b) All Shire of Dumbleyung services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

### **3.12 Professional Communications**

- (a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire of Dumbleyung's activities should reflect the status, values and objectives of the Shire of Dumbleyung.
- (b) Communications should be accurate, polite and professional.

### **3.13 Personal Communications and Social Media**

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Dumbleyung, its Council Members, employees or contractors, which breach this Code.
- (c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

### **3.14 Personal Presentation**

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire of Dumbleyung's relevant policies and procedures.

### **3.15 Gifts**

- (a) Application  
This clause does not apply to the CEO.
- (b) Definitions  
In this clause –

**activity involving a local government discretion** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

**activity involving a local government discretion** means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
  - (b) by way of a commercial dealing with the local government;
- [r.19AA of the *Local Government (Administration) Regulations 1996*]

**associated person** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

**associated person** means a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

**gift** —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
- (b) does not include —
  - (i) a gift from a relative as defined in section 5.74(1); or
  - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
  - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
  - (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift** means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

**travel** includes accommodation incidental to a journey;

**travel contribution** means a financial or other contribution made by 1 person to travel undertaken by another person

[Section 5.57 of the *Local Government Act 1995*]

**relative**, in relation to a relevant person, means any of the following —

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- (b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

[Section 5.74(1) of the *Local Government Act 1995*]

**prohibited gift** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

**prohibited gift**, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**reportable gift** means:

- (i) a gift worth more than \$50 but less than \$300; or
- (ii) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$50 but less than \$300.

**threshold amount** has the meaning given to it in the *Local Government (Administration) Regulations 1996*, subject to the CEO's determination under subclause (c);

**threshold amount**, for a prohibited gift, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- (c) Determination  
In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996*, the CEO has chosen not to determine a lesser amount.
- (d) Employees must not accept a prohibited gift from an associated person.
- (e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
- (f) The notification of the acceptance of a reportable gift must be in writing and include:
  - (i) the name of the person who gave the gift; and
  - (ii) the date on which the gift was accepted; and
  - (iii) a description, and the estimated value, of the gift; and
  - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
  - (v) if the gift is one of two or more accepted from the same person within a period of one year:
    - (1) a description;
    - (2) the estimated value; and
    - (3) the date of acceptance,of each other gift accepted within the one year period.
- (g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- (h) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire of Dumbleyung's official website.

- (i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

### **3.16 Conflict of Interest**

- (a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Dumbleyung, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire of Dumbleyung, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.
- (e) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

### **3.17 Secondary Employment**

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

### **3.18 Disclosure of Financial Interests**

- (a) All employees will apply the principles of disclosure of financial interest as contained within the Act.
- (b) Employees who have been delegated a power or duty, have been nominated as 'designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

### **3.19 Disclosure of Interests Relating to Impartiality**

- (a) In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

**interest** —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- (b) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the meeting immediately before the matter is discussed.

- (c) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- (d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not now and could not reasonably be expected to know:
  - (i) that they had an interest in the matter; or
  - (ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:
  - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- (g) If:
  - (i) to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
  - (iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

### **3.20 Use and Disclosure of Information**

- (a) Employees must not access, use or disclose information held by the Shire of Dumbleyung except as directly required for, and in the course of, the performance of their duties.
- (b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire of Dumbleyung's policies and procedures.
- (c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire of Dumbleyung.
- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
  - (i) is authorised by the CEO or the CEO's delegate; or
  - (ii) is permitted or required by law.

### **3.21 Improper or Undue Influence**

- (a) Employees will not take advantage of their position to improperly influence Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

- (b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- (c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

### **3.22 Use of Shire of Dumbleyung's Resources**

- (a) In this clause –

**Shire of Dumbleyung resources** includes local government property and services provided or paid for by the Shire of Dumbleyung;

**local government property** has the meaning given to it in the Act.

**local government property** means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government.

[Section 1.4 of the *Local Government Act 1995*]

- (b) Employees will:
  - (i) be honest in their use of the Shire of Dumbleyung resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
  - (ii) use the Shire of Dumbleyung resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
  - (iii) not use the Shire of Dumbleyung's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

### **3.23 Use of Shire of Dumbleyung Finances**

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire of Dumbleyung's finances.
- (b) Employees will use Shire of Dumbleyung finances only within the scope of their authority, as defined in position descriptions, policies and procedures, administrative practices.
- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Employees exercising purchasing authority will comply with the Shire of Dumbleyung's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) Employees will ensure that any use of Shire of Dumbleyung finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire of Dumbleyung's Recordkeeping Plan.

### **3.24 Reporting of Suspected Breaches of the Code of Conduct**

Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager or the CEO, in accordance with the Shire of Dumbleyung's Grievances Policy.

### **3.25 Handling of Suspected Breaches of the Code of Conduct**

Suspected breaches of the Code will be dealt with in accordance with the relevant Shire of Dumbleyung policies and procedures, depending on the nature of the suspected breach.

### **3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor, Manager, or the CEO in accordance with Shire of Dumbleyung's Grievances Policy.
- (b) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
  - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
  - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (c) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire of Dumbleyung's Public Interest Disclosure Procedures, published on the Shire of Dumbleyung's website.

### **3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire of Dumbleyung policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.



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## 8.18 Housing Allowance

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**Policy Number:** 8.18

**Policy Subject:** Housing Allowance

**Responsible Officer:** Payroll & Rates Officer

**Policy Statement:** To provide guidelines for the Shire Housing Allowance paid to Shire employees, recognising Shire staff that own and reside in a Shire located housing property whilst employed with the Shire of Dumbleyung.

**Guidelines:** The allowance be set at \$50 per week for full time employees and pro rata to part time / casual employees. This allowance is to compensate and incentivise staff who own and reside in their own property in the Shire. This allowance is not applicable for:

- Staff on a negotiated salary package (such as contract);
- Staff residing in a Shire owned house; and
- In the case of multiple employees residing in the same household, the allowance is to be pro-rata'd based on number of employees in the household.

*\*Effective from 1<sup>st</sup> July 2024*

**Forms & Templates:** Nil

**First Adopted:** 21 April 2022, Motion 2022/038

**Amended:** 18 April 2024, Motion 2024/367

## SECTION 9 – WORK HEALTH & SAFETY

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### 9.1 Work Health and Safety (WSH) Policy

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**Policy Number:** 9.1

**Policy Subject:** Work Health and Safety (WSH) Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU is committed to providing a safe and healthy workplace for all workers and visitors. This means that we aim to avoid or eliminate the causes, which lead to:

- Accidents, injury, incidents or illness.
- Damage and downtime of plant, equipment or infrastructure.
- Unsafe or poor quality products and environmental damage.

**Guidelines:** In order to fulfil our aim, the PCBU is committed to:

- Leading by example.
- Providing a safe and healthy working environment for all our workers and visitors.
- Implementation of safe systems of work and maintenance of plant and equipment to a safe standard where associated hazards are identified, assessed and controlled.
- Taking action to eliminate, control or reduce to an acceptable level, hazards to which workers and visitors may be exposed.
- Consulting with workers and other parties to improve decision making on WHS and environmental matters.
- Developing, implementing and review of written safe work procedures.
- Providing information and instruction on matters relating to safety, together with a high standard of supervision.
- Implement ongoing processes to prevent accidents, including performing workplace inspections and hazard/near miss reporting.
- Fostering cooperation and consultation with workers, their representatives (where applicable) through daily prestart safety meetings, toolbox meetings and management safety committee meetings.
- Providing or ensuring provision of appropriate personal protective equipment (PPE) to protect all workers and visitors.
- Protecting members of the public, customers and the environment from potential adverse effects that may be associated with our activities or the use of our products.
- Supporting and assisting workers in effective injury management and rehabilitation through the Injury Management System.
- Conforming with the requirements of legislation and statutory authorities.

- Conducting regular audits of our WHS Management System and implement agreed outcomes to continually improve current systems of work.

Workers are expected to:

- Take reasonable care for the health and safety of themselves and others at work.
- Report all hazards, incidents, injuries, near misses to their supervisor or manager.
- Undertake relevant prestart inspections of machinery and equipment and report all faults immediately.
- Cooperate with management in the event of an incident investigation and to enable compliance with WHS legal obligations.
- Participate in consultative arrangements including toolbox, prestart meetings and any site specific requirements.
- Assist management to meet WHS targets/key performance indicators (where applicable).
- Participate in return to work programs.
- Comply with all reasonable instructions from supervisors/management in relation to work health and safety issues.
- Comply with workplace specific drug and alcohol requirements, including testing.

**Forms & Templates:** Work Health & Safety Resolution Procedure

**First Adopted:** 18 September 2003

**Amended:** 19 August 2021, Motion 2021/1110  
20 October 2022, Motion 2022/138

# Shire of Dumbleyung

## Work Health and Safety Resolution Procedure

### INTRODUCTION

Under the Work Health and Safety Act 2020, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (*For the purpose of this document [Local Government] is the PCBU*)

**“Worker”** A person who carries out work in any capacity for a PCBU (*E.g., An Employee, Contractor, Work Experience person or Volunteer*).

This Work Health and Safety (WHS) Resolution Procedure is in place to manage work health and safety concerns/issues, should they arise.

Where a work health and safety issue arises that cannot be resolved satisfactorily via the Hazard/Incident report and action process, the steps explained below should be followed.

PCBU management actively promotes consultation and encourages regular and consistent two-way communication during each step of the resolution process.

### SCOPE AND RESPONSIBILITIES

This procedure applies to all management, employees, contractors, and visitors.

### PROCEDURE

#### STEP 1

The PCBU encourages and promotes active consultation and communication with workers and requires that the first point of communication regarding work health and safety issues occurs with management via the Hazard/ Incident reporting and action process.

This enables PCBU management to provide support to the worker and take appropriate action to resolve the issue as best as practicable and in an agreed and appropriate time frame.

#### STEP 2

Actions arising from the issues raised are recorded in the WHS Action Register and workers advised.

#### STEP 3

If necessary, PCBU management will provide a formal, written response to the matter raised by the worker/s to acknowledge the concern/s and advise them of the planned action.

#### STEP 4

Should the matter remain unresolved or unsatisfactorily actioned, the worker/s should raise the issue again with management via written notice. (Workers can use the Hazard/Incident Report)

#### STEP 5

If the matter is not resolved and there is a risk of imminent or serious harm or injury, the worker/s may contact WorkSafe WA. WorkSafe will take appropriate action through consultation with the PCBU and, if necessary, investigate the WHS matter in an appropriate manner via the appropriate channels and methods.

Refer to the *WHS Resolution Flowchart* on the following page for a summary of the procedure.

### TRAINING

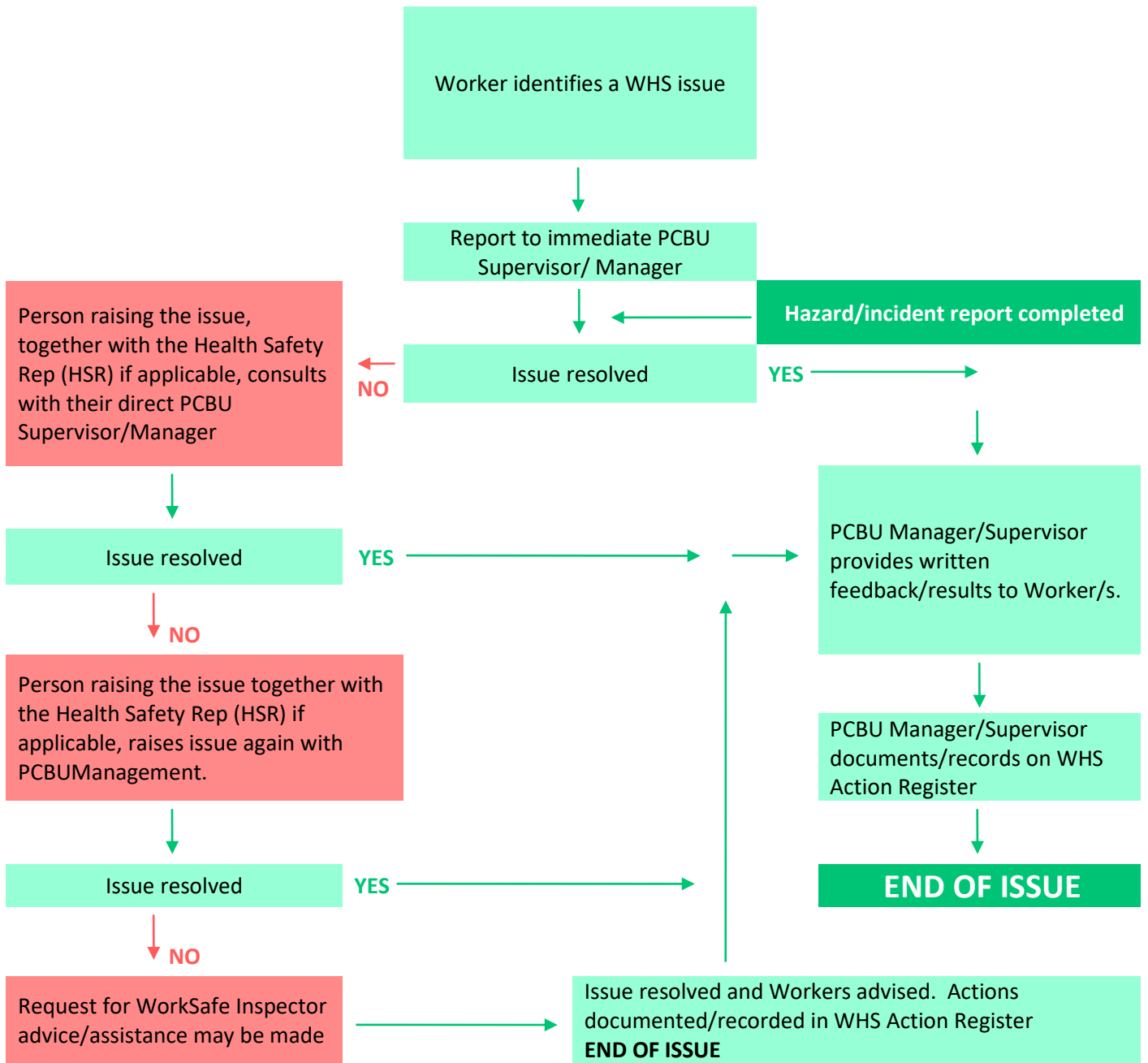
Conducted as part of the WHS Induction process.

This Procedure has been adopted.

PCBU REPRESENTATIVE		SIGNED		DATE	
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Shire of Dumbleyung  
Work Health and Safety Resolution Procedure

**WORK HEALTH AND SAFETY (WHS) ISSUE RESOLUTION FLOWCHART**



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## 9.2 Injury Management Policy

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**Policy Number:** 9.2

**Policy Subject:** Injury Management Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU is committed to assisting injured workers to return to work as soon as medically appropriate and, in the event of a work related injury or illness, will adhere to the requirements of the:

- Workers’ Compensation and Injury Management Act 1981; and
- Workers’ Compensation Code of Practice (Injury Management) 2005.

**Guidelines:** Management supports the injury management process and recognises that it success relies on the active participation and cooperation of the injured worker, their treating doctor and the PCBU.

In the event of a workplace injury or illness, management follows the steps outlined in the Injury Management System (IMS). A copy of the Injury Management System is available to all workers on request.

We encourage and value early reporting of injuries so that the injury management system may be applied at the earliest opportunity.

We are committed to ensuring that the focus of injury management is the safe and durable return to work of injured workers.

Wherever possible, suitable duties will be arranged internally, having regard for the injured worker’s medical restrictions. Where this is not immediately possible, we remain committed to ensuring injured workers achieve the most appropriate return to work outcome.

**Forms & Templates:** Injury Management Procedure (IMS)

**First Adopted:** 18 September 2003

**Amended:** 19 August 2021, Motion 2021/1110  
20 October 2022, Motion 2022/138

# Shire of Dumbleyung Injury Management Procedure (IMS)

## AIM OF THE INJURY MANAGEMENT SYSTEM (IMS)

Under the Work Health and Safety Act 2020, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (*For the purpose of this document [Local Government] is the PCBU*)

**“Worker”** A person who carries out work in any capacity for a PCBU (*E.g., An Employee, Contractor, Work Experience person or Volunteer*).

To ensure that the PCBU is able to respond to Workers’ Compensation claims quickly and correctly so that injured workers can remain at work or return to work at the earliest appropriate time.

## INJURY MANAGEMENT POLICY

The PCBU’s approach to injury management is set out in the Injury Management Policy available to all workers.

### The steps which to be taken when an injury occurs in the workplace are:

- Worker must immediately advise the PCBU.
- PCBU to immediately advise the Injury Management Coordinator of the injury.
- Worker to seek medical attention and obtain a 1<sup>st</sup> Medical Certificate (where possible supervisor/manager/injury coordinator to attend 1<sup>st</sup> appointment with worker).
- Injury Management Coordinator to supply worker with 2B Claim form to fill out (this provides written consent to liaise with medical practitioner).
- Injury Management Coordinator to send completed 2B form and 1<sup>st</sup> medical certificate to insurer (within 3 days).
- Injury Management Coordinator to review 1<sup>st</sup> medical certificate and identify any medical restrictions.
- Injury Management Coordinator to fax/call GP if worker is totally unfit for more than three (3) days or is unable to return to normal duties (fax “Details to be provided to medical practitioner section” of claim form). If necessary, identify suitable (alternative or modified) duties and develop a Return to Work Program (RTWP) according to medical recommendations. RTWP must be developed in consultation with Injury Management Coordinator, injured worker and supervisor.

Notify WorkSafe of notifiable injuries:

[Types of serious illness or injury | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](#)

[Report a death or serious incident at a workplace | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](#)

- Injury Management Coordinator to maintain regular contact with worker, supervisor and doctor during RTWP.

## WORKER PARTICIPATION

An injured worker should give the completed claim form and all medical certificates to the Injury Management Coordinator.

Injured workers should regularly update the Injury Management Coordinator of their progress and participate in return to work activities. Any issues associated with a claim should be referred to the Injury Management Coordinator, who will endeavour to resolve these issues or, where necessary, refer them to the insurer.

## DAY-TO-DAY MANAGEMENT (INJURY MANAGEMENT COORDINATOR)

The person who has day to day responsibility for Injury Management is:

NAME	DIRECTOR OF INFRASTRUCTURE	CONTACT DETAILS	0427 634 012
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# Shire of Dumbleyung Injury Management Procedure (IMS)

## INJURY MANAGEMENT GUIDELINES

### Objectives of Injury Management

- To establish a structured, systematic approach to injury management processes for all workers following work related illness or injury.
- To develop and encourage the expectation that it is normal practice, following work related injury for workers to return as soon as practicable, to appropriate employment.
- To establish injury management as the usual course of action and, when appropriate, the managed return to meaningful, productive employment should commence at the earliest opportunity.
- To establish a return to work program to achieve the desired objectives in consultation with all parties.

Early intervention with effective injury management provides physical, psychological and financial benefits to workers, while minimising disruption to work and reducing costs.

## OVERVIEW

The injury management process may involve any or all of the following components, depending on individual circumstances.

### Medical

Prompt medical diagnosis and treatment to maximise the rate and extent of recovery.

### Vocational Rehabilitation

Provision of appropriate services which are relevant to the worker, based on their assessed needs, which are aimed at the return to work of the worker/s. When necessary, a referral to an approved Vocational Rehabilitation Provider will be determined, in consultation with the treating medical practitioner and injured worker. The worker's right to choose the VRP will be respected.

### Social

To assist injured workers in restoring and maintain social networks, reducing stress associated with the injury and re-adjustment to the work environment, community and society in general.

### Return to Work Programs

When an injured worker is, according to medical assessment, capable of returning to work either on restricted duties or restricted hours, an individual return to work program (RTWP) will be developed and specified in writing. A written RTWP is established to meet each injured worker's needs, in consultation with the IMC, the injured worker and the supervisor/manager and will:

- Be an individual program to match the worker's capabilities and restrictions.
- Regularly monitor the worker's progress and injury status.
- Maintain communication and consultation between key parties.

### Work Environment

To ensure that, as far as practicable, the work environment for the injured worker is as ergonomically sound as possible through job or task analysis, workplace evaluation, environment modification and provision of special equipment, and that support for the injury management process is encouraged amongst all workers.



# Shire of Dumbleyung

## Injury Management Procedure (IMS)

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### **Injury Management Team**

An Injury Management team may be formed to determine the best course of action for each injured worker. The Injury Management team will meet to discuss, design, implement and monitor individual rehabilitation programs and establish initiatives for managing rehabilitation.

The Injury Management team includes members as required, for example:

- Manager
- Supervisor/Injury Management Coordinator
- Injured Worker
- Union Representative
- Insurer Representative
- Accredited Vocational Rehabilitation Provider

### **Participation**

Reasonable steps will be taken to ensure that the injured worker agrees with the contents and requirements of the RTWP. Successful rehabilitation relies on the development of cooperation and trust between all parties.

In certain situations, WorkCover can require an individual to undergo vocational rehabilitation. In such cases an accredited rehabilitation provider can be chosen by the injured worker. However, assistance will always be made available and chosen by the PCBU if requested.

### **Implementation of the Injury Management Process**

Injury Management should be commenced as soon as practicable in the case of injury or disability, where there is no evidence of immediate return to work or where difficulties exist for workers to conduct their normal duties.

All work related injuries and disabilities are reviewed by the Injury Management team to determine the need for and/or level intervention required. Where necessary, an accredited rehabilitation provider will be engaged.

### **Rehabilitation Programs**

An individual rehabilitation program should be established to meet each injured worker's needs.

Rehabilitation Procedure:

- The Injury Management team, in consultation with the injured worker and treating doctor will design individual programs to match the worker's capabilities and limitations.
- A time frame for monitoring the injured worker's progress will be established and include medical reviews.
- Referral to a medical specialist or an accredited provider may be recommended by the Injury Management team, in consultation with the treating doctor.
- The Injury Management Coordinator will liaise with treating health professionals, accredited provider, insurer, Supervisor/ Manager, staff and other interested parties.
- If, after assessment and concerted efforts at rehabilitation, a successful outcome is not achieved, discontinuance of rehabilitation and finalisation of the claim may be considered.

# Shire of Dumbleyung Injury Management Procedure (IMS)

## Structured Return to Work Program (RTWP)

A written program incorporating a graduated return to normal, restricted or alternative duties is required for injured workers. A number of criteria need to be considered.

- To develop short and long term goals in consultation with the worker and treating doctors;
- To provide meaningful work duties;
- To establish time frames for monitoring progress including ongoing medical reviews, upgrading of duties and hours to meet long term goals;
- To provide appropriate training and supervision for any duties that are unfamiliar to the worker;
- To document review meetings and keep all interested parties informed of progress; and
- To ensure workers and their supervisor/manager clearly understands the program details and that appropriate feedback is provided.

The written RTWP, as well as any changes to the RTWP must include:

- The names of the injured worker and contact information.
- A description of the goal of the program.
- A list of the action to be taken to enable the worker to return to work, identifying who has to take each action.
- A statement as to whether the worker agrees with the content of the program.

A copy of the RTWP, as well as any changes to the program, is provided to the worker and treating medical practitioner. Any action listed in the RTWP will be taken in a timely manner.

## Alternative and Restricted Duties

Injured workers may be able to stay at work or return to work if suitable alternative or restricted duties are available. Every effort will be made to provide such duties.

Consideration will also be given to modification of the work place, tasks and hours of work and the provision of special equipment, as reasonably practicable.

The provision of alternative duties will not be possible on an unlimited and permanent basis unless:

- Such duties constitute a position within the organisation;
- The position is readily available; and
- The worker meets the minimum employment standards of the position.

This Procedure has been adopted.

PCBU REPRESENTATIVE		SIGNED		DATE	
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### 9.3 Dealing with Bullying Policy and Procedure

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**Policy Number:** 9.3

**Policy Subject:** Dealing with Bullying Policy and Procedure

**Responsible Officer:** Chief Executive Officer

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU is committed to providing a safe and healthy workplace, free from bullying.

Workers are protected by this policy, whether they feel bullied by management, workers, clients or members of the public. The PCBU treats reports of workplace bullying seriously. We will respond promptly, impartially and confidentially.

This policy is made available to all workers. New workers will be given a copy of this policy in the induction. Managers and supervisors will remind workers of this policy from time to time.

**Guidelines:**

**Expected Workplace Behaviours**

Under the Work Health and Safety Act 2020, management, workers and others at PCBU workplace/s have a primary duty of care to take reasonable care not to adversely affect the health and safety of others.

The PCBU expects people to:

- Behave in a responsible and professional manner.
- Treat others in the workplace with courtesy and respect.
- Listen and respond appropriately to the view and concerns of others; and
- Be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- In connection with work, even if it occurs outside normal working hours.
- During work activities, for example, when dealing with clients.
- At work-related events, for example, at conferences and work-related social functions; and
- On social media, where workers interact with colleagues or clients and their actions may affect them directly or indirectly.

**What is Workplace Bullying**

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

### **What Does Not Constitute Workplace Bullying**

Reasonable action taken by managers and supervisors to direct and control the way work is carried out, is not workplace bullying if:

- The action is carried out in a lawful and reasonable way.
- The action aligns with our policies and procedures, taking the specific circumstances into account.

The PCBU may take reasonable action to effectively direct and control the way work is carried out. It is reasonable for PCBU managers and supervisors to allocate work and give feedback on a worker's performance. These actions are not workplace bullying if they are carried out in a lawful and reasonable way, taking the specific circumstances into account.

A manager or supervisor exercising their legitimate authority at work may result in some discomfort for a worker. The question of whether management action is reasonable is determined by considering the actual management action, rather than a worker's perception of it and, where management action involves a significant departure from established policies or procedures, whether the departure was reasonable in the circumstances.

### **What Can You Do?**

If you feel you are experiencing or witnessing workplace bullying, and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue promptly either with management, the Health and Safety Representative (if applicable) or supervisors within the business. If you are a member of a union, you may also raise any issues with your delegate.

If you witness unreasonable behaviour, you should bring the matter to the attention of management as a matter of urgency.

### **How Will You Respond**

If workplace bullying or unreasonable behaviour is reported or observed, the PCBU will:

- Arrange for the responsible supervisor or manager to speak with the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties (refer to Grievance Policy and supporting Procedures).
- Where issues cannot be resolved, or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. All parties will state their case and relevant information will be collected and considered before a decision is made.
- All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint, or in resolving it, will have access to the information.
- There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith may result in disciplinary action.

### **Consequences of Breaching this Policy**

Appropriate disciplinary action may be taken against a person who is found to have breached this policy. The action taken will depend on the nature and circumstance of each breach and may include:

- A verbal or written apology.
- One or more parties agreeing to participate in counselling or training.
- A verbal or written reprimand.
- Transfer, demotion or dismissal of the person engaging in the bullying behaviour.

### **If Workplace Bullying Has Not Been Substantiated**

If an investigation finds workplace bullying has not occurred or cannot be substantiated, the PCBU may still take appropriate action to address any workplace issues leading to the bullying report.

**Forms & Templates:** Nil

**First Adopted:** 16 April 2015

**Amended:** 19 August 2021, Motion 2021/1110  
20 October 2022, Motion 2022/138

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## 9.4 Sexual Harassment

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**Policy Number:** 9.4

**Policy Subject:** Sexual Harassment

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for sexual harassment.

**Guidelines:** Council strongly supports the concept that every employee, Council Member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.

Council considers sexual harassment to be an unacceptable form of behaviour which will not be tolerated and recognises that sexual harassment is unlawful.

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcomed and unsolicited and rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered offensive to an employee, Council Member or member of the general public:

- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.
- Subtle or explicit demands for sexual activities or molestation.
- Intrusive enquiries into a person's private life.
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
- Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.

Council recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Council will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health and work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

A formal complaints/grievance procedure is outlined hereunder and will be utilised to effectively resolve complaints of sexual harassment.

**Procedure for Complaints/Grievance Procedure for Sexual Harassment**

All complaints of sexual harassment will be treated confidentially and resolved promptly.

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.

It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.

**Procedure**

1. A complaint of sexual harassment may be lodged with any of the following persons:
  - Immediate Supervisors (except where the person is the alleged harasser)
  - Department Director (except where this person is the alleged harasser)
  - A nominated Grievance Officer (if applicable)
  - Chief Executive Officer
  - Union Shop Steward
  - President (only if the alleged harasser is the Chief Executive Officer)
2. A person receiving a complaint of sexual harassment will:
  - Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
  - Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
  - Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow-up reports are provided until the matter is resolved.
  - Ensure no information regarding the complaint is discussed outside this procedure.
  - In a case where a union shop steward receives the complaint, the divisional manager and/or grievance officer is to be advised of the details of the complaint.
3. The person handling the complaint, whether it is the person who received the complaint or a more senior person, will, with the approval of the complainant:
  - As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.
  - Advise the alleged harasser of the right to contact the Union for advice and representation.

- Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.
  - Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.
4. If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser.
    - The matter will be investigated and where the complainant or the alleged harasser is a member of the Union, the Union may be party to the investigation.
    - All documents relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity
  5. During the period of the investigation of a case of serious sexual harassment:
    - If requested by either party or by management, alternative working arrangements may be made, or the parties may be suspended on full pay during the course of the inquiry if deemed appropriate by the relevant persons.
  6. If, following investigation and resolution, a complaint is judged to have foundation:
    - Appropriate remedial action will be taken including where appropriate disciplinary/counselling action appropriate to the circumstances and/or seriousness of the matter.
    - A record of the detail of the disciplinary action will remain on the employee's personnel file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.
  7. If, following investigation, a complaint is judged to have foundation:
    - The complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
    - Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

**Forms & Templates:** Nil

**First Adopted:** September 2003

**Amended:** 19 August 2021, Motion 2021/1110



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## 9.5 WHS Worker Management Policy

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**Policy Number:** 9.5

**Policy Subject:** WHS Worker Management Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU recognises that the use of workers to undertake works and services for and on their behalf has the potential to create risks in the workplace and the community. The PCBU acknowledges they have the same Work Health and Safety Primary Duty of Care obligations to workers, as to their own employees and the community.

The PCBU is committed, so far as practicable, to providing a safe and healthy workplace for all workers.

As far as reasonably practicable, the PCBU will ensure the health and safety of workers whose activities in carrying out work are influenced or directed by the PCBU or an authorised representative of the PCBU.

The PCBU will also ensure, as far as reasonably practicable, that the health and safety of other persons is not put at risk from work carried out on behalf of the PCBU.

**Guidelines:** The PCBU will do all that is reasonably practicable to ensure that Workers are informed of any known potential risks and are not put at risk of injury or ill health while on our premises/worksites, or when carrying out their duties on the PCBU’s behalf.

Before engaging Workers, the PCBU ensures that Workers have the necessary workers’ compensation insurance, licenses, qualifications, task risk assessments, instruction and supervision to perform their work safely and effectively.

The PCBU monitors Worker WHS performance to ensure that all Workers engaged:

- Work in a safe manner in accordance with legislative requirements to ensure their own safety and that of the PCBU’s employees, other Workers or general public who may be affected by their actions or omissions.
- Comply with all policies and procedures that are relevant to the scope of works.
- Report all incidents, hazards and near misses to the PCBU and any regulatory body as required.
- Fully comply with all incident investigations.
- Provide appropriate personal protective equipment.

**Forms & Templates:** WHS Worker Management Procedure

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110  
20 October 2022, Motion 2022/138

# Shire of Dumbleyung

## WHS Worker Management Procedure

### PURPOSE

Under the Work Health and Safety Act 2020, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)

**“Worker”** A person who carries out work in any capacity for a PCBU (*E.g., An Employee, Contractor, Work Experience person or Volunteer*).

The purpose of this procedure is to define the minimum Work Health and Safety requirements required by all Workers undertaking work for or on behalf the PCBU.


The PCBU ensures that:

- Workers are evaluated in terms of their Work Health and Safety systems and performance before engagement.
- Workers are capable of undertaking the contracted work by meeting Work Health and Safety legislative requirements.
- Work Health and Safety requirements are defined and communicated before work commences, and:
- Workers are effectively managed during the execution of the work.

Workers must comply with PCBU WHS standards, policies and procedures or exceed them. Workers must operate under this Safety Management System, unless agreed and stated in the contract agreement. These WHS Requirements and Guidelines are provided to all Workers prior to mobilisation for consultation purposes and to ensure Work Health and Safety requirements are clearly defined and communicated before work commences.

### GENERAL TERMS AND DEFINITIONS

TERM	DEFINITION
Inspection	An observation and review of a workplace and/or worker’s WHS and other requirements.
Competent Person	Competent person (relevant excerpt from the full definitions) from the Health and Safety Act 2020. (a) for inspection and testing of electrical equipment — means a person who has satisfactorily completed a competency-assessed training course on testing and tagging using the pass-fail type of electrical instrument known as a portable appliance tester; (b) for demolition work — means a person who — (i) has been trained by an RTO in safe methods of demolition work; and (ii) in the case of supervision of the work — has appropriate experience in the conduct or supervision of demolition work authorised by the relevant demolition licence; (h) for any other case — a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task.
Contractor	A vendor engaged or approved by the PCBU with a contract to perform work or cause work to be performed.
Control Measure	Control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.
Hazard	A condition in the workplace that has the potential to result in injury or illness to people, damage to the environment, or damage to equipment.
Incident	An unplanned occurrence or event that has resulted in injury or illness to people, damage to the environment or equipment.
Leader	A person at any level of the organisation to whom others report for supervision and task delegation, including but not limited to Supervisor, Coordinator, Team Leader, Superintendent or Manager roles.

Document Title: PRC-02 WHS Worker Management Procedure	 Prompt Safety Solutions (PSS) Document	Publish Date: March 2022 Doc No: PRC-02	Review Date: March 2023 Revision: 01
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## Shire of Dumbleyung WHS Worker Management Procedure

TERM	DEFINITION
Near Miss	An unplanned occurrence or event that potentially could have resulted in injury or illness to people, damage to the environment or equipment but did not.
*Person conducting a business or undertaking (PCBU)	A person conducting a business or undertaking alone or with others, whether or not for profit or gain. A PCBU can be a sole trader (for example, a self-employed person), each partner within a partnership, company, unincorporated association, government department or public corporation (including a local or regional government). <b>*Note:</b> for the purposes of this document, PCBU means the 'Business' or the 'Company' and is interchangeable.
PPE	Personal Protective Equipment
Reasonably Practicable	The term 'reasonably practicable' means what could reasonably be done at a particular time to ensure health and safety measures are in place. In determining what is reasonably practicable, there is a requirement to weigh up all relevant matters including: <ul style="list-style-type: none"> <li>• the likelihood of a hazard or risk occurring (the probability of a person being exposed to harm)</li> <li>• the degree of harm that might result if the hazard or risk occurred (the potential seriousness of injury or harm)</li> <li>• what the person concerned knows, or ought to reasonably know, about the hazard or risk and ways of eliminating or minimising it</li> <li>• the availability of suitable ways to eliminate or minimise the hazard or risk</li> <li>• the cost of eliminating or minimising the hazard or risk. Costs may only be considered after assessing the extent of the risk and the available ways of eliminating or minimising the risk.</li> </ul>
Risk	The probability of an event occurring that impacts on your objectives, measured in terms of likelihood and consequence.
Risk Assessment	The overall process of risk identification, risk analysis and risk evaluation. A risk assessment may be in the form of a Safe Work Method Statement (SWMS), Job Hazard Analysis (JHA), Safe Work Instruction (SWI) or other methodology approved by the PCBU.
Supplier	A person or organisation that provides goods or services.
WHS	Work Health and Safety
Worker	Any person who carries out work for a PCBU, including work as an employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

# Shire of Dumbleyung

## WHS Worker Management Procedure

### WORKER REQUIREMENTS

Workers must meet or exceed the PCBU safety standards, policies and procedures. Workers will work under this Work Health and Safety PCBU System, unless otherwise agreed by PCBU.

Prior to Worker mobilisation, the PCBU will review all relevant licenses including High Risk Licenses, training certificates and Construction Induction card (White Card), supplied by the Worker.

Evidence of current Workers' Compensation Insurance, Public Liability and Professional Indemnity Insurance and vehicle/machinery third party property insurances must be provided to the PCBU to cover all Workers.

The Worker must, prior to mobilisation, provide the PCBU with a completed, comprehensive risk assessment for the scope of work planned. All Workers must be trained in identifying, assessing and managing risks in the workplace, as well as being competent in completing a Safe Work Method Statement, Job Hazard Analysis or Safe Work Instruction for use on the job.

The risk assessment must ensure effective risk mitigation processes are in place to address all potential hazards prior to the commencement of any work, including hazards emanating from planned or unplanned changes to the environment, operations, facilities, equipment, procedures, laws, regulations, standards, materials and processes.

The PCBU expects all Workers to conduct personal risk assessments continuously, to enable an appropriate response to changing work environments associated with their tasks. Workers must review and update the risk assessment when site conditions change or the scope of work changes.


All Workers must fully complete the PCBU's Work Health and Safety Induction, either prior to mobilisation or on the day of mobilisation, before any work is undertaken.

Workers must observe and comply with all relevant legislation, including the Workers' Compensation and Rehabilitation Act 1981, the Work Health and Safety Act 2020 and the Work Health and Safety (General) Regulations 2022.

Workers must also comply with improvement and prohibition notices, Codes of Practice, Guidance Notes, Australian Standards and the PCBU's Work Health and Safety Policies and Procedures as they apply, unless otherwise agreed.

Workers must ensure the safety and suitability of any plant, equipment and tooling prior to mobilisation at the workplace. This includes relevant vehicle and plant registration and inspections and tooling inspections and/or tagging, as required.

It is the Worker's responsibility to supply the appropriate personal protective equipment (PPE) for their tasks, in line with the approved risk assessment (SWMS, JHA or SWI), scope of work and must ensure adequate supervision of the tasks being undertaken.

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# Shire of Dumbleyung

## WHS Worker Management Procedure

### WORKER REPORTING

The PCBU expects all Workers to be trained in the identification, assessment and management of risks.

Workers must ensure all workplace hazards identified are documented and reported to the PCBU and, where possible, the hazard rectified immediately.

Where immediate rectification of a hazard is not possible, Workers must endeavour to make the hazard or area safe through the use of barriers, signage, tape or tags for example, before reporting the hazard.

Workers must report all incidents, hazards and near miss events to the PCBU promptly and must agree to participate, as required, in any follow up investigations or PCBU requirements such as drug and alcohol testing.

### PCBU OBLIGATIONS TO WORKERS

The PCBU will liaise with Workers prior to mobilisation and provide sufficient Work Health and Safety information and requirements, Policies and Procedures, and any environmental considerations to be managed.

The PCBU will provide Workers with the relevant Emergency Procedures for the workplace.

The PCBU will liaise with Workers to arrange for PCBU Work Health and Safety Induction completion, on or before the mobilisation date for workers.

The PCBU will check any long term/regular Worker information such as licenses, training and insurance to confirm currency.

The PCBU will provide the Workers with Site WHS Induction on mobilisation to the workplace.


Periodically, PCBU may conduct workplace inspections at work sites. The PCBU will monitor Worker activities to ensure compliance with Work Health and Safety conditions and obligations.

If you have any questions regarding the Worker Management System, please contact, Prompt Safety Solutions on Mobile: 0427 616 837 or Email: [wm@promptsafetysolutions.com](mailto:wm@promptsafetysolutions.com)

### WORKER LEGAL AND OTHER OBLIGATIONS

The Worker must comply with all Work Health and Safety, as well as Environmental, legal and other regulatory obligations applicable to the scope of work and conduct their activities in a manner consistent with the PCBU's Policies, procedures, guidelines and permits.

Where requested, the Worker must provide accurate and legible evidence to prove compliance with all WHS and environmental legal and regulatory requirements.

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# Shire of Dumbleyung

## WHS Worker Management Procedure

### TRAINING AND COMPETENCY

Workers must provide evidence of relevant, current training and competency prior to conducting work. Examples of specialised training/competencies include, but are not limited to:

- Mobile plant and equipment
- Elevated work platforms
- Crane operation
- Dogging
- Rigging and scaffolding
- Forklift operation
- Enter and Work in a Confined space
- Working at heights
- Electrical work
- Plumbing
- Trade certified courses e.g., welder, boiler maker, fitter, mechanic.

### FITNESS FOR WORK (DRUGS, ALCOHOL AND IMPAIRMENT)

Workers must present fit for work, not under the influence of illegal drugs or alcohol and are not in a fatigued state. All Workers are subject to random, blanket and for-cause alcohol and other drug testing while they are at the workplace. The PCBU reserves the right to refuse entry to any Worker who:

- fails an alcohol or other drug test; or
- the Business suspects is not fit for work due to fatigue or impairment.

### ENVIRONMENTAL AND CULTURALLY SENSITIVE AREA MANAGEMENT

Workers must:

- Manage, report and investigate all environmental spills and incidents.
- Take all reasonable measures to minimise the generation of waste from its activities.
- Participate in all waste reduction initiatives and minimise waste by recycling and reusing materials wherever possible.

Workers must conduct the work only in designated areas to avoid the potential for environmentally or culturally sensitive area damage.

### HAZARDOUS SUBSTANCES


Workers must ensure they have access to current Safety Data Sheets available for the hazardous substances being used and that they have been trained in the use, storage, transporting and disposal of the substances.

Hazardous substances must:

- Be stored in appropriate containers that are clearly labelled.
- Be stored and segregated in accordance with the Australian Dangerous Goods Code
- Be disposed in accordance with legislative requirements and manufacturer guidelines.

This Procedure has been endorsed.

PCBU REPRESENTATIVE		SIGNED		DATE	
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		Doc No: PRC-02	Revision: 01

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## 9.6 Fitness for Work (Drugs, Alcohol and Impairment) Policy

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**Policy Number:** 9.6

**Policy Subject:** Fitness for Work (Drugs, Alcohol and Impairment) Policy

**Responsible Officer:** Chief Executive Officer

**Intent:**

Under the Work Health and Safety Act 2020, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)

**“Worker”** A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

The PCBU is committed to providing a safe, healthy and productive workplace for all workers performing work for, or on behalf of, the PCBU. Fitness for work can be adversely affected by the effects of fatigue, stress, injury/illness, alcohol or drugs. These factors can cause impairment or deficiencies in worker performance and can be a contributing factor in workplace accidents or incidents.

We will not tolerate workers attending work or performing work for or on behalf of the PCBU while under the influence of, or in possession of, alcohol or drugs. Appropriate action will be taken where this occurs.

**Scope:** This policy applies to:

- a) All workers performing work for or on behalf of the PCBU.
- b) All visitors to our workplaces; and,
- c) All workplace sponsored functions.

**Objectives:** This policy aims to:

- Provide a safe work environment and a safe system of work for workers and visitors.
- Minimise the risk of injury to workers or visitors in the workplace.
- Minimise the risk of damage to property.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by consumption of drugs or alcohol.
- Provide a framework for dealing with the issue of fitness for work.

**Policy Statement:** All workers performing work for or on behalf of the PCBU are required to be fit for work at all times. Any worker who management reasonably considers is unfit for work will not be permitted to commence or continue work and will be required to leave the work site/premises immediately. Disciplinary action may result.

Management will take reasonable steps to ensure workers are in a fit state to work safely and to minimise risks to both themselves and others in the workplace through consultation, information, observation and testing.



The situations in which management may reasonably consider that a worker is unfit for work include, but are not limited to:

1. Exhibiting a physical, mental or emotional state that potentially compromises a safe work environment.
2. Presenting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system which is in excess of the cut off concentrations for drugs, as defined by AS/NZS 4308 and AS/NZS 4760 or is in excess of the legal driving limit for alcohol.

**Guidelines:** See attached Fitness for Work (Drugs, Alcohol and Impairment) Procedure

**Forms & Templates:** Fitness for Work (Drugs, Alcohol and Impairment) Procedure

**First Adopted:** 21 July 2022, Motion 2022/099

# Shire of Dumbleyung

## Fitness for Work (Drugs, Alcohol and Impairment) Procedure

### SCOPE

Under the Work Health and Safety Act 2020, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)

**“Worker”** A person who carries out work in any capacity for a PCBU (*E.g., An Employee, Contractor, Work Experience person or Volunteer*).

This procedure applies to:

- a) All workers performing work for/or on behalf of the PCBU.
- b) All visitors to business workplaces, and;
- c) All workplace sponsored functions.

### OBJECTIVE

This procedure aims to:

- Provide a safe work environment and a safe system of work for workers and visitors.
- Minimise the risk of injury to workers and visitors at the workplace.
- Minimise the risk of damage to property.
- Minimise the risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by impairment due to drugs or alcohol.
- Provide a framework for dealing with the issue of fitness for work.

### RESPONSIBILITIES

- The PCBU has a primary duty of care under the Work Health and Safety Act 2020 to ensure, so far as is reasonably practicable, the health and safety of workers and other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- The PCBU must provide a work environment:
  - (a) without risks to health and safety; and
  - (b) the provision and maintenance of safe plant and structures; and
  - (c) the provision and maintenance of safe systems of work; and
  - (d) the safe use, handling and storage of plant, structures and substances; and
  - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities.
- The PCBU must eliminate or minimise risks to work health and safety as far as reasonably practicable.
- PCBU Management or other authorised person/s are responsible for ensuring the confidentiality as to the nature of any drug/alcohol suspected incidents and subsequent testing.
- All workers have a primary duty of care to take reasonable care for their own health and safety; and
  - (a) take reasonable care that the worker’s acts or omissions do not adversely affect the health and safety of other persons; and
  - (b) comply, as far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU; and
  - (c) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.
- Workers are responsible for advising the PCBU of drug (including prescription or over the counter medication) or alcohol use that may impair or hinder performance, adhering to this policy and following directions with regard to drug/alcohol testing procedures as outlined.

# Shire of Dumbleyung

## Fitness for Work (Drugs, Alcohol and Impairment) Procedure

DEFINITIONS	
Alcohol	Alcohol means ethyl alcohol or ethanol.
Drug	Any substance that may result in psychological or behavioural changes that cause impaired work performance. In this context, the term 'substance' includes, but is not limited to, alcohol, intoxicating products, Prescription Drugs, Non-Prescription Drugs, legal and illegal/illicit Drugs, whether naturally occurring or synthetic.
Duty Holder	Duty Holder refers to any person who owes a work health and safety duty under the WHS Act including a PCBU, designer, manufacturer, importer, supplier, installer of products or plant used at work (upstream duty holders), an officer and workers. More than one person can concurrently have the same duty in which case the duty is shared. Duties cannot be transferred.
Duty of Care	A responsibility owed to another person because of a relationship between the two people.
Fatigue	Extreme tiredness resulting from mental or physical exertion or illness.
Fitness for work	Refers to an individual's functional capacity (physically, mentally and behaviourally) to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.
Illicit or illegal Drugs	Illegal / Illicit Drugs includes all drugs identified as such by AS/NZS 4308 and AS 4760 or drugs which have been synthetically designed to be outside the detection limits of AS/NZS 4308 and AS 4760 and are not considered Prescription Drugs or Non-Prescription Drugs.
Impairment	The alteration of an individual's normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance.
Non Negative Result	A result equal to or above the cut off level or target used in work premises testing e.g. (BAC) level above 0.00%
Non-prescription Drugs or Over the Counter (OTC)	Non Prescription Drugs include medications and other substances, both naturally occurring and synthetic, as sold legally over the counter, by a registered medical practitioner (i.e., pharmacist) without a physician's prescription.
Person conducting a business or undertaking (PCBU)	A person conducting a business or undertaking alone or with others, whether or not for profit or gain. A PCBU can be a sole trader (for example, a self-employed person), each partner within a partnership, company, unincorporated association, government department or public corporation (including a local or regional government). A local government member acting in that capacity is not a PCBU. A 'volunteer association' that does not employ anyone is not a PCBU. If it becomes an employer, it also becomes a PCBU for purposes of the WHS Act. A 'strata company' responsible for any common areas used only for residential purposes is not a PCBU, unless it engages a worker as an employee. Persons excluded: For the purposes of section 5(6) of the Act, an incorporated association may be taken not to be a person conducting a business or undertaking if the incorporated association consists of a group of volunteers working together for 1 or more community purposes where — (a) the incorporated association, either alone or jointly with any other similar incorporated association, does not employ any person to carry out work for the incorporated association; and (b) none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the incorporated association.
Prescription Drugs	Prescription Drugs includes medications and other substances, both naturally occurring and synthetic, that cannot be legally purchased without a prescription from a registered medical practitioner.
Worker	Any person who carries out work for a PCBU, including work as an employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

Shire of Dumbleyung  
Fitness for Work (Drugs, Alcohol and Impairment) Procedure

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### ASSESSMENT OF FITNESS FOR WORK

A worker's fitness for work may be assessed by any or all of the following methods:

- **Pre-Employment Testing**  
Prior to appointment of certain positions, a Pre-Employment Medical Assessment may be required. This may include a Drug and Alcohol Test and will be performed at the cost of the PCBU. Should a positive test be returned, the appointment may not proceed.
- **Random Testing**  
Management and workers engaged acknowledge that the PCBU may conduct random, blanket testing of workers for alcohol and drugs in order to maintain a safe and healthy working environment.  
Testing methods will be by urine sample or mouth/saliva swab and will be conducted by an independent and approved tester, in accordance with relevant Australian Standards.
- **Reasonable Cause testing**  
Workers may be directed to attend drug and/or alcohol testing where there are reasonable grounds to believe the worker's fitness for work may be impaired by drugs and/or alcohol, or there is a work-related incident. Reasonable Cause Testing should be taken as soon as is practicable after an incident, or reasonable grounds are identified. These include but are not limited to the following:
  - a) Reasonable suspicion of impairment
  - b) Vehicle accidents
  - c) Property damage
  - d) Dangerous near miss events

The testing for any drug will be via any available, valid and reliable National Association of Testing Authorities (NATA) approved drug test.

### SUSPECTED IMPAIRMENT OF WORKERS

Where the PCBU has a reasonable suspicion that a worker may be impaired by the use of drugs or alcohol (see below for further information), the worker will not be permitted to commence or resume work until they have undergone testing and the test indicates that they are not under the influence of drugs or alcohol and not in breach of this procedure.

A worker directed by the PCBU to undertake an alcohol and/or drug test must comply with the direction. Any refusal to comply with a direction to undertake testing will be treated as a breach of this procedure and will be considered a Non Negative Result (Refusal to Test). The worker will be suspended immediately without pay and not allowed to return to work until the refusing worker supplies a clear D&A result from an independent testing lab (at the worker's expense). Disciplinary action may result from a refusal to test.

The PCBU is responsible for ensuring that a worker who is suspected of breaching this procedure is provided with transport to and from the testing location (if required) and/or is provided with appropriate assistance to return home safely, where necessary.

Where a worker is directed to undertake an alcohol and/or drug test, the PCBU will meet the costs of the initial test, regardless of the test results.

The devices used for testing for Blood Alcohol Concentration (BAC) should be a Breathalyser Unit in accordance with operational training in Unit of Competency HLTPAT005 or Urine Test in accordance with AS/NZS 4309, or saliva test in accordance with AS/NZS 4760.

A worker who vexatiously reports another worker for breaching this policy (for example; without reasonable grounds or for personal gain) may be subject to disciplinary action.

The PCBU is committed to ensuring confidentiality and privacy of workers' personal information. Accordingly, access to information that is retained on a worker's personnel file regarding breaches of this procedure and individual test results is strictly controlled and will be restricted to relevant, authorised supervisor/s and management.

Shire of Dumbleyung  
Fitness for Work (Drugs, Alcohol and Impairment) Procedure

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### NON NEGATIVE DRUG / ALCOHOL TEST - UNFIT FOR WORK

In the event that a breathalyser (BAC) test result indicates a test result higher than 0.00%;

- a second, confirmatory breathalyser (BAC) test will be undertaken after 20 minutes. The donor will be instructed not to eat, drink or smoke and must be supervised for the 20 minute period.

The second (BAC) test is final and must be witnessed by an authorised PCBU representative. The donor, tester and official witness must print their names and sign the request form. The worker will not be permitted to commence or continue work and will be required to leave the premises. (Refer to Appendix 2 - Secondary breath alcohol content confirmatory test request form.)

If the worker returns a Non-Negative urine or saliva swab drug test result, the independent and approved tester, in accordance with relevant Australian Standards will, in conjunction with the worker, fill out all relevant sections/details on the Chain of Custody Request Form and sign samples split for laboratory testing. The worker will not be permitted to commence or continue work and will be required to leave the premises.

- In the instance of a Non Negative alcohol or drug test, the worker will be advised that this is a serious breach and may be subject to disciplinary action. Any further instances will lead to further disciplinary action, including potential dismissal.
- All details and documentation related to the test and circumstances will be retained on the worker's personal file with confidentiality maintained.
- The worker will be required to undergo a subsequent test at their own expense to establish their fitness prior to returning to work; and
- The worker will be required to undergo training/education regarding the effects of alcohol and/or drugs on their health and at the workplace, provided internally by the PCBU or through an external provider.

Breaches of this procedure will be regarded as a serious matter by the PCBU and multiple breaches will result in disciplinary action, which may include termination of employment.

Any time off work as a consequence of a breach of this procedure may be treated as unpaid leave.

### NON NEGATIVE TEST RESULTS RECORDING

In the event that a Non Negative test result is returned, the PCBU will:

- Ensure that any details and documentation regarding the test is confidential.
- Ensure this procedure is followed.

### RANDOM FITNESS FOR WORK TESTING

- Drugs to be screened for include alcohol, cannabis, opiates, methamphetamines or other drugs as per Table 1 below.
- Unacceptable levels will be as per AS/NZS 4308 and AS 4760.

Workers will be chosen at random, several times per year (up to four [4]).

Testing will be undertaken as per this procedure and/or a relevant EBA document. Testing will be carried out by an impartial person trained to administer the chosen test (urine or mouth swab) and Breathalyser. The tester will be tested prior to each random set of worker testing.

If the tester is impaired, another suitable person (agreed by the PCBU and worker) will be chosen (Breathalyser testing only). Test results will remain confidential and will be dealt with on an individual basis with each worker at the time the confirmed impairment is determined.

Consequences of impairment will be:

- Removal from the workplace (until proven fit for duty, at the worker's expense).
- Discussion with the worker (with representation if required) to determine reasons for impairment.

# Shire of Dumbleyung

## Fitness for Work (Drugs, Alcohol and Impairment) Procedure

- Disciplinary action, education, or counselling as required.

If a worker tests positive for drugs/alcohol on multiple occasions, the worker may be referred for medical assistance and will receive disciplinary action, including the possibility of termination.

### POSSESSION OF DRUGS OR ALCOHOL AT THE WORKPLACE

A worker must not attend work while impaired by any illicit drugs or alcohol. All testing conducted on workers must not exceed the drug levels as specified by AS/NZS 4308 and AS 4760.

Workers who are taking over the counter or prescription medication are required to consult with their medical practitioner or pharmacist about possible side effects of the drugs and the potential impact on their ability to work safely prior to use.

Where there are side effects of prescription medication that may affect a worker's fitness for work, the worker is required to advise the PCBU of the potential effect on workplace performance. The PCBU will take any necessary action to assess and minimise any identified risk to worker safety.

A worker must not have any alcohol or illegal drugs in their possession on any work premises or consume alcohol or drugs (prescription drugs or otherwise that potentially could cause impairment) while at work unless it is a prescribed or over the counter drug and the worker has established with their medical practitioner or pharmacist and the PCBU that the drug does not impair their fitness for work.

Any worker who has illicit/illegal drugs in their possession will be required to leave the workplace immediately and their employment may be in jeopardy (including summary dismissal).

Where there is reasonable cause to suspect that a worker is in possession of, or affected by drugs or alcohol, the PCBU may instigate a police search of the workplace including lockers or other personal spaces within the workplace.

### TEST TAMPERING – SAMPLE SUBSTITUTION, DAMAGE OR DILUTION

A worker found to have, or having attempted to, dilute, damage or substitute a sample will be removed from the workplace immediately.

The incident will be reported directly to the PCBU, who will give the worker the opportunity to show cause as to why their employment should not be immediately terminated. The PCBU views this practice to be a serious breach. Without reasonable cause being shown by the worker, the PCBU may terminate the worker, effective immediately.

Workers unable to provide a sample at a random testing time for drugs will be required to wait (supervised) for up to one (1) hour to give the opportunity to provide a sample. If still unable to provide a sample, the worker will be required to attend a further testing within 24 hours at a service provider of the PCBU's choice, at the worker's cost. Failure to provide a second sample will be deemed as evasive behaviour and will result in the following:

- Discussion with the worker (with representation if required) to determine reasons for behaviour.
- Disciplinary action, education, referral to counselling if required (e.g., Holyoake).
- Disciplinary action if multiple offender which may include termination of employment.
- Removal from the workplace (transport arranged if suspicion of impairment).
- Worker will not be allowed to return to work until proven fit for duty (at the worker's expense).

Shire of Dumbleyung  
Fitness for Work (Drugs, Alcohol and Impairment) Procedure

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## WORKPLACE FUNCTIONS

The PCBU, while not responsible for the private lives of workers, carries the primary responsibility for safety at work through creating and maintaining a safe working environment. The impact of unsafe behaviour potentially caused by alcohol consumption at workplace functions is emphasised in the creation and communication of this procedure.

At times, the PCBU may make alcohol available to workers over the age of 18 at work functions. The PCBU will minimise risks of that consumption causing harm to workers or others by ensuring non-alcoholic and low-alcohol beverages are readily available. Food will also be made available.

Prior to attending a workplace function, workers will be reminded that the responsibility to limit the amount of alcohol to safe levels of consumption at a workplace function is the responsibility of the worker.

Driving over the legal blood alcohol limit or under the influence of illicit drugs is illegal and is not condoned by the PCBU.

### Prior Planning – Worker

Where there is potential that alcohol consumption at a workplace function may result in a worker driving over the legal blood alcohol limit, workers are encouraged to organise alternative transport prior to any workplace function where alcohol is available, to minimise the risk of them driving under the influence.

### Prior Planning – PCBU

In the event that a worker becomes intoxicated at a workplace function or, if management believes that there is the potential for workers to drive under the influence of alcohol after a workplace function, the PCBU must ensure that workers are able to return home safely by following normal procedures for managing intoxicated workers e.g., taxi, bus or designated driver.

## SELF-REFERRAL

Where a worker believes that they have a problem with drug or alcohol use, they are encouraged to discuss the matter with their PCBU Leader. The worker may be supported in such instances with referral to counselling (e.g., Holyoake), time off work to attend drug and alcohol rehabilitation and an ongoing rehabilitation contract where regular discussions with the PCBU and ongoing testing can occur in an environment of absolute confidentiality.

## MULTIPLE DRUG/ALCOHOL BREACHES

Where a worker has breached this procedure on more than one occasion, the worker will be removed from the workplace, pending further investigation. The worker will be advised that their employment may be in jeopardy which may include termination of employment.

If a dependency issue is apparent, they may be referred to appropriate medical assistance or counselling service e.g., Holyoake.

## WORKER EDUCATION

Education and awareness information can be made available if required, and run in conjunction with this procedure, ensuring that workers understand the effects of drugs and alcohol in the workplace, in order to make an informed choice about their actions and behaviour. Workers may be provided with educational material about the effects of different drugs and the potential consequences in the workplace at their induction. Annual inductions will be conducted to reinforce the information.

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Fitness for Work (Drugs, Alcohol and Impairment) Procedure

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**SIGNS OF IMPAIRMENT**

Impairment can be caused by a range of factors, including alcohol and other drug use. It should not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.

Some work-specific signs that a worker may be impaired by drugs, alcohol or other factors such as fatigue are:

- Repeated accidents, near misses or mistakes.
- Altered, uncharacteristic behaviour in the workplace or with colleagues.
- Aggressive behaviour or defensive attitude.
- Poor concentration, impaired memory, inattention or carelessness in work duties.

Where the ability to work safely is impaired, the worker and the PCBU should respond in a respectful manner, based on the information available.

If a worker suspects that a person is impaired in the workplace, they should immediately advise the PCBU.

Any action taken by the PCBU toward any person with a suspected impairment should be brief, firm, calm, clear and confidential.

This procedure has been endorsed.

PCBU REPRESENTATIVE		SIGNED		DATE	
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\*TABLE 1

Cut off Levels for specimen collection and the detection and quantitation of drugs of abuse in urine and oral fluid

### AS/NZS 4308 (Urine)

The drug *screening* cut-off levels per drug class for urine testing – **AS/NZS 4308:**

- Amphetamine Type Stimulants (300 ug/L)
- Benzodiazepines (200 ug/L)
- Cannabis Metabolites (50 ug/L)
- Cocaine Metabolites (300 ug/L)
- Opiates (300 ug/L)

### AS 4760 (Oral Fluid)

The drug *screening* cut-off levels per drug class for oral fluid testing – **AS/ 4760:**

- Opiates (50 ng/mL)
- Amphetamine Type Stimulants (50 ng/mL)
- $\Delta 9$  Tetrahydrocannabinol – THC (25 ng/mL)
- Cocaine and Metabolites (50 ng/mL)

Source: Alcolizer technology [What are the Australian Standard Drug Class Screening Cut-off Levels - Alcolizer](#)

#### RELEVANT LEGISLATION/DOCUMENTS

	Work Health and Safety Act 2020
	Work Health and Safety (General) Regulations 2022
AS 3547	Breath alcohol testing devices for personal use
AS/NZS 4308	Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine
AS 4760	Procedures for specimen collection and the detection and quantitation of drugs in oral fluid

#### REFERENCES

Guidance Note Alcohol and Other Drugs at The Workplace  
WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-development  
WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-inclusion  
Workplace Health and Safety Queensland, Department of Justice and Attorney- General Framework for alcohol and drug management in the workplace\_-Source:  
[Framework for alcohol and drug management in the workplace \(worksafe.qld.gov.au\)](#)  
<https://www.commerce.wa.gov.au/worksafe/alcohol-and-drugs-frequently-asked-questions>

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Fitness for Work (Drugs, Alcohol and Impairment) Procedure

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**SCHEDULE A - REASONABLE CAUSE**

When determining “reasonable cause”, physical symptoms and/or unusual or out of character observable or reported behaviours must be considered.

Examples of physical symptoms or behaviours include, but are not limited to:

- Excessive lateness
- Absences often on Monday or Friday or in conjunction with holidays
- Increased health problems or complaints about health
- Emotional signs –outbursts, anger or aggression
- Changes in personality
- Changes in alertness – clothing, hair, personal hygiene
- Less energy
- Involvement in various minor accidents
- Feigning sickness or emergencies to get out of work early
- Going to the bathroom more than normal
- Defensive when confronted about behaviour
- Dizziness
- Slurred speech
- Hangovers
- Violent behaviour
- Impaired motor skills
- Bloodshot eyes
- Impaired or reduced short term memory
- Reduced ability to perform tasks requiring concentration and coordination
- Intense anxiety or panic attacks
- Impairment to learning and memory, perception and judgement
- Irritability
- Depression
- Odour of alcohol or drugs

Reasonable grounds testing may also take place where the PCBU learns from a credible source, that a worker is at risk of impairment of drugs and/or alcohol, or where a worker is observed (whether by the PCBU or a credible source) using, possessing, distributing or consuming drugs or alcohol during work time.

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SCHEDULE A - REASONABLE CAUSE - ALCOHOL AND DRUG TESTING REQUEST FORM

Date:	Worker Name:	Authorised PCBU Representative Name:
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PCBU's reason/s for reasonable cause alcohol or drug testing:

Worker comments:

DETERMINING REASONABLE CAUSE

Do you believe that there is a risk to the safety and health of this person or others?	YES		NO	
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Are you satisfied that it is reasonably possible that the risk is a result of the possible use of drugs or alcohol?	YES		NO	
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DO NOT proceed with reasonable cause testing unless the answer to both of these questions is YES

Reasonable Cause established?	YES		NO		at (time):	Date:
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Action Taken:

Signed Requester:	Date:	Time:
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Signed PCBU Management:	Date:	Time:
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Fitness for Work (Drugs, Alcohol and Impairment) Procedure

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SCHEDULE B - SAFETY SENSITIVE ROLES AND POSITIONS

The following is a non-exhaustive list of the types of positions and roles that are classed as safety sensitive positions or roles and which are subject to random testing under this procedure.

- Any worker who uses a motor vehicle or heavy machinery such as trucks or heavy mobile plant in the course of their employment or engagement, High risk licence activities e.g., Forklift operation;
- Any worker who is working within the confines of a warehouse or depot facility;
- Any worker working in a marked HAZCHEM area or has cause to work with dangerous chemicals or materials;
- Any worker working at height or in confined spaces;
- Any worker operating machinery or power tools;
- Any worker working in trenches or excavations;
- Any worker working in or over water or on boats;
- Any worker working with dangerous animals;
- Any worker working at high risk sites, for example, active construction or road maintenance sites, or conducts regular visits to such sites;
- Any worker who works in a supervisory role.

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Fitness for Work (Drugs, Alcohol and Impairment) Procedure

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SCHEDULE C - HEALTH REHABILITATION CONTRACT

I, \_\_\_\_\_ acknowledge and agree to enter into the [Entity]  
*(Worker Full Name)*

Rehabilitation Plan, and that my continued employment with [Entity] is subject to the following:

My commitment to full participation in the plan with the service provider(s) specified by [Entity].

I understand that I may be required to contribute to part or all of the cost of the plan.

I authorise the service provider(s) to release the following information to [Entity]:

- Whether I have kept my appointments;
- Whether the service provider(s) has recommended a course of treatment;
- Whether I am following that course of treatment;
- Whether a return to work is appropriate and within what timeframe; and
- Whether I have completed the required course of treatment.

I understand that [Entity] may disclose this information as a proof of action where it is appropriate, to defend the worker or [Entity] with regard to the worker's rehabilitation.

I agree to take this course of treatment outside work hours or use leave entitlements, if required and approved, to participate during work hours. I agree to take up to six (6) drug and alcohol tests (at my own expense) in the 12 months following treatment and agree to the release of the results to the PCBU.

I accept that I may be suspended from my duties with or without pay or be allocated alternative duties while I participate in the programme.

I accept that if I do not attend or complete the required course of treatment, or if I refuse to take any of the six (6) subsequent tests referred to above or, if during those tests or any other future tests, I return a positive drug or alcohol test, the consequence may be dismissal without notice.

I accept the terms of this contract, which I acknowledge may be in addition to, or vary the terms of my current employment agreement.

Worker Name:	Signature:	Date:
Authorised PCBU Representative Name:	Signature:	Date:



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Fitness for Work (Drugs, Alcohol and Impairment) Procedure

APPENDIX 2 - SECONDARY BREATH ALCOHOL CONTENT CONFIRMATORY TEST REQUEST FORM

Worker Name:	Date:
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Initial Reading (BAC)		Time		Secondary Reading (BAC)		Time	
Instrument serial number:				Instrument serial number:			
Calibration due date:				Calibration due date:			
Donor's Name:				Signature:			
Tester's Name:				Signature:			
Official Witness Name:				Signature:			

**PERFORMING A CONFIRMATORY BREATHALYSER TEST**

- If the initial screening breathalyser test presents a breath alcohol concentration higher than 0.00%, then a second confirmatory test must be conducted 20 minutes following the first test.
- The donor should be instructed to abstain from eating, drinking or smoking for the 20 minute period.
- The donor should be supervised during this period.
- The second test is performed in the same manner as the initial test.
- A new, sealed mouthpiece is to be used.
- The second test must be witnessed by an authorised PCBU representative e.g., supervisor.
- The second test is final.
- All parties to the collection (including the donor) must print their names and sign the request form.

**NOTES**

- The breathalyser serial number must be recorded on the request form.
- Always record the breathalyser reading to two decimal points, i.e. 0.00%.

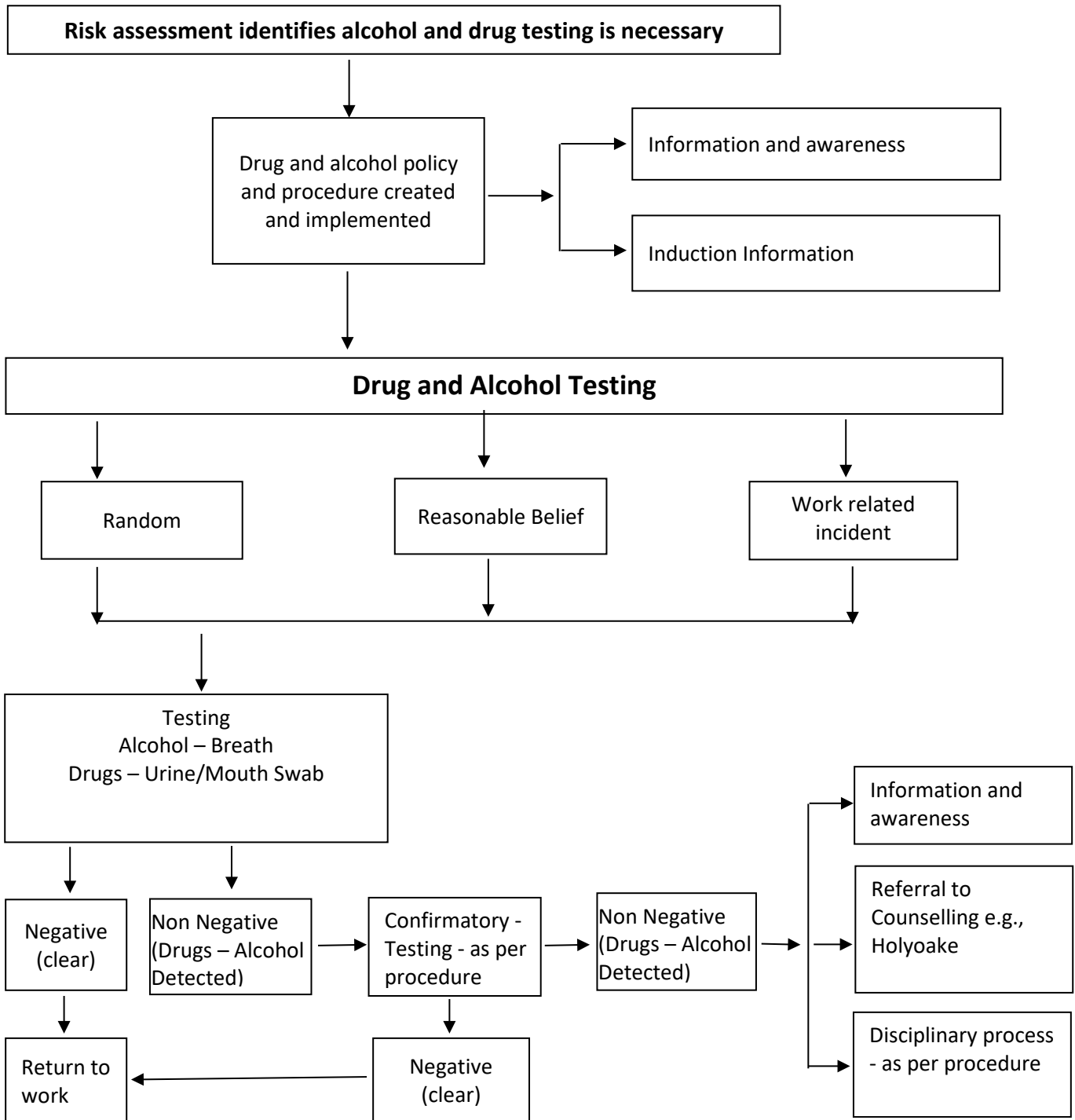
# Shire of Dumbleyung Fitness for Work (Drugs, Alcohol and Impairment) Procedure

## APPENDIX 3 - FITNESS FOR WORK PROCEDURE FLOWCHART

Developed in consultation with workers, Health and Safety Committees and Health and Safety Representatives (where these exist).

**Aim** - To prevent drug and alcohol-related incidents and foster safe behaviours at work.

**Objective** - To prevent or minimise the potential for alcohol and drugs to contribute to work-related injury or damage.



+ Note: the procedure should be assessed and evaluated on an ongoing basis.

+ Note: Flowchart template adapted from Workplace Health and Safety Queensland, Department of Justice and Attorney-General Framework for alcohol and drug management in the workplace.



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## 9.7 Injury and Incident Investigation Policy

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**Policy Number:** 9.7

**Policy Subject:** Injury and Incident Investigation Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU is committed to ensuring all injury, illness, incidents, near misses, property/plant damage or injury to the public or the environment are investigated thoroughly and in a timely manner.

**Guidelines:** To achieve this, the PCBU ensures:

**Injury/Illness**

- All injuries/illnesses are reported immediately to a supervisor/manager in the workplace.
- Management records all injuries/illnesses on an Injury Treatment Record.
- Where the injury/illness requires medical attention or off-site treatment, management completes an incident investigation report.
- Copies of incident investigation reports are provided to the relevant stakeholders, as required.

**Incidents**

- For all incidents involving near misses, property/plant damage or injury to the public or the environment, management investigates and records the details in an incident investigation report.
- Copies of completed incident investigation reports are provided to the relevant stakeholders, as required.

**Notifiable Incidents**

- Management reports all notifiable incidents to the relevant Authority.
- Where such an incident has occurred, management considers whether the site needs to be preserved for investigation by the relevant Authority.

**Record Keeping**

- Management retains records of incidents and injuries in accordance with statutory requirements.

**Forms & Templates:** Hazard & Incident Reporting and Investigation Procedure

**First Adopted:** 20 October 2022, Motion 2022/138

**Amended:**

# Shire of Dumbleyung

## Hazard & Incident Reporting and Investigation Procedure

*Under the Work Health and Safety Act 2020, work relationships are defined as:*

**"PCBU"** Person Conducting a Business or Undertaking (For the purpose of this document [Local Government] is the PCBU)

**"Worker"** A person who carries out work in any capacity for a PCBU (E.g., An Employee, Contractor, Work Experience person or Volunteer)

As little time as possible should be lost between the moment of an incident occurring and the beginning of an investigation. In this way, one is most likely to be able to observe the conditions as they were at the time, prevent disturbance of evidence, and identify witnesses. The tools that members of the investigating team may need (pencil, paper, camera or recording device, tape measure, etc.) should be immediately available so that no time is wasted.

Complete an Incident Investigation Report in the event of any injury involving medical attention, off site treatment or in the event of any incidents involving a near miss, property/plant damage or injury to the public or the environment.

### INJURIES

- All injuries must be reported to management immediately.
- Manager records all injuries on an Injury Treatment Record.
- Where the injury requires medical attention or off site treatment, management completes an Incident Investigation Report.
- Where the injury requires medical attention, copies of the Incident Investigation Report, and Injury Treatment Record and Medical Reports are provided to insurer immediately for further advice / action.

### INCIDENTS

For all incidents involving near misses, property/plant damage or environmental Damage

- Report all Incidents to the Manager Immediately.
- Fill in an Incident Report.
- Manager investigates and records the details in an Incident Investigation Report.
- Copies of completed Incident Investigation Reports are provided to the relevant Authority or Insurance provider, as required.

### HAZARDS

- Make the site safe by using barricades, spotter etc.
- Report all Hazards to the Manager immediately.
- Fill in a Hazard Report and hand in to the Manager as soon as possible.
- Manager and Worker/s to consult and implement controls to rectify the hazard.
- Document controls on the SWMS
- Review controls to ensure adequate.

### RECORD KEEPING

The PCBU retains records of incidents and injuries in accordance with Statutory requirements.

### NOTIFIABLE INCIDENTS

Manager reports all notifiable incidents to the relevant Authority e.g., WorkSafe WA. Notifiable incident means —

- (a) the death of a person; or
- (b) a serious injury or illness of a person; or
- (c) a dangerous incident.

# Shire of Dumbleyung

## Hazard & Incident Reporting and Investigation Procedure

[Injury reporting and investigation essentials for employers | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](https://www.commerce.wa.gov.au)

Where such an incident has occurred, Management considers whether the site needs to be preserved for investigation by the relevant Authority.

**Serious injury or illness**, of a person, means an injury or illness —

- (a) that requires the person to have immediate treatment as an in-patient in a hospital; or
- (b) that requires the person to have immediate treatment for —
  - the amputation of any part of the person’s body; or
  - a serious head injury; or
  - a serious eye injury; or
  - a serious burn; or
  - the separation of the person’s skin from an underlying tissue (such as degloving or scalping); or
  - a spinal injury; or
  - the loss of a bodily function; or
  - serious lacerations;
- (c) that requires the person to have treatment by a medical practitioner within 48 hours of exposure to a substance; or
- (d) that occurs in a remote location and requires the person to be transferred urgently to a medical facility for treatment; or
- (e) that, in the opinion of a medical practitioner, is likely to prevent the person from being able to do the person’s normal work for at least 10 days after the day on which the injury or illness occurs.

**Dangerous incident** means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person’s health or safety emanating from an immediate or imminent exposure to —

- (a) an uncontrolled escape, spillage or leakage of a substance; or
- (b) an uncontrolled implosion, explosion or fire; or
- (c) an uncontrolled escape of gas or steam; or
- (d) an uncontrolled escape of a pressurised substance; or
- (e) electric shock; or
- (f) the fall or release from a height of any plant, substance or thing; or
- (g) the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations; or
- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or of any shoring supporting an excavation; or
- (j) the inrush of water, mud or gas in workings, in an underground excavation or tunnel; or
- (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
- (l) any other event prescribed by the regulations.

This Procedure has been endorsed

PCBU REPRESENTATIVE		SIGNED		DATE	
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## 9.8 Discipline Policy

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**Policy Number:** 9.8

**Policy Subject:** Discipline Policy

**Responsible Officer:** Chief Executive Officer

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU aims to ensure the maintenance of professional and appropriate behaviour within the workplace.

The Discipline Policy provides a process for dealing positively with unacceptable behaviour that does not meet the expected and communicated standard required by workers.

This policy is designed to ensure that, where there is a failure to comply with these standards, workers are managed fairly, consistently and with due consideration of all the circumstances. It should be read in conjunction with the Discipline Procedure.

The policy supports a procedure which:

- Encourages workers to lodge a complaint about misconduct or unacceptable behaviour they are subjected to or have observed in the workplace.
- Investigates allegations and considers action where appropriate.
- Imposes sanctions as appropriate and necessary to protect other workers, the integrity of the PCBU, and resolves allegations of misconduct and unacceptable behaviour promptly and appropriately.

**Guidelines:** This policy applies to all workers while at the workplace, on business premises, and at business sponsored or funded functions or activities, during and outside of work hours.

Other actions by workers outside of working hours may also fall within the scope of this policy, if there is an impact on the worker’s ability or suitability to do their job, or the actions bring the PCBU or its workers into disrepute.

If a discipline matter involves a criminal offence, it will be referred to the appropriate authorities and not be dealt with under this process.

### **Examples of Misconduct**

- Poor timekeeping (evidenced/documentated over time).
- Unauthorised absenteeism. Uncooperative attitude or being rude to workers and clients.
- Failure to meet required standards as part of a formal performance improvement process.

- Theft or fraud.
- Physical/verbal threats or assault.
- Malicious damage to property.
- Possession of, or under the influence of, illegal drugs or alcohol.

Some of the examples of misconduct could constitute serious misconduct under certain circumstances.

### **Disciplinary Action**

Disciplinary action may take the form of one or more of the following:

- No further action.
- Counselling.
- A verbal warning.
- A written warning.
- A final written warning.
- Suspension from duties (paid or unpaid).
- Termination of employment.

A worker facing disciplinary action has the right to a support person. A support person is a person of the worker's choosing (a colleague, a union representative or another person, but not a legal representative) who may accompany the worker to a discipline meeting. A support person is not permitted to act as an advocate for the worker or speak on their behalf. Their role is to provide support to the worker, take notes if desired, and act as a witness if required. The support person is bound by the requirements of confidentiality.

The nature of the worker's behaviour will determine the stage at which the Discipline Procedure will commence.

### **Consequences of a Breach**

Failure to abide by and comply with the Discipline Policy may attract disciplinary action, which may take the form of counselling, verbal or written warnings, or termination of employment.

Any breach that is considered illegal may be reported to the appropriate external authority.

**Forms & Templates:** Discipline Procedure

**First Adopted:** 20 October 2022, Motion 2022/138

# Shire of Dumbleyung Discipline Procedure

## PURPOSE

Under the Work Health and Safety Act 2020, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (*For the purpose of this document [Local Government] is the PCBU*)

**“Worker”** A person who carries out work in any capacity for a PCBU (*E.g., An Employee, Contractor, Work Experience person or Volunteer*).

This procedure outlines the process that is followed in addressing misconduct or unsatisfactory performance by a worker undertaking work for the PCBU. It should be read in conjunction with the Discipline Policy.

## CONFIDENTIALITY

Confidentiality is an integral part of the Discipline Procedure and it is in the best interests of all parties involved that confidentiality is maintained throughout the process.

Those involved in carrying out an investigation as part of the Discipline Procedure must ensure that the details, including the content of interviews and any outcomes of the process, are not discussed with other parties unless required as a part of the Discipline Procedure.

Any worker who breaches the confidentiality of the Discipline Procedure may be subject to disciplinary action.

## LEVELS OF DISCIPLINARY ACTION

The level of disciplinary action taken will depend on the circumstances of the misconduct or unsatisfactory performance. It may include:

- Verbal warning,
- Written warning,
- Final written warning,
- Suspension of employment,
- Termination of employment.

## UNSATISFACTORY PERFORMANCE

It is the responsibility of a worker’s manager to address matters concerning unsatisfactory performance.

Should the worker fail to meet the expected standard of performance within a reasonable timeframe, termination of employment may result.

## MISCONDUCT

### Informal


It is the responsibility of a worker’s manager to address matters concerning misconduct. Often these matters will be satisfactorily addressed by informal discussion. However, if this approach has not been successful in improving the conduct of the worker or, where the matter is more serious, a formal procedure should be followed.

### Formal

The PCBU manager will meet with the worker to discuss the misconduct and afford them an opportunity to reply. Information presented by the worker will be considered before any disciplinary action is taken. The PCBU manager should have a witness present at the meeting. A support person of the worker’s choosing may also be present.

After taking into account the response by the worker, the PCBU manager will determine the appropriate level of disciplinary action (e.g., the worker may be issued with a verbal warning or written warning).

Where a verbal warning is given, a note will be placed on the worker’s personnel file.

Document Title: PRC-06 Discipline Procedure	 Prompt Safety Solutions (PSS) Document	Publish Date: March 2022 Doc No: PRC-06	Review Date: November 2022 Revision: 01
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# Shire of Dumbleyung Discipline Procedure

Where a written warning is deemed to be appropriate, the worker will be given a letter containing the following:

- a) Details of the issue and their conduct,
- b) The standard of conduct that is required, and
- c) A warning that failure to meet the required standard, or any further instances of unacceptable conduct, may result in further disciplinary action which may include termination of employment.

If there are any further instances of misconduct, additional written warnings maybe given to the worker.

If the worker continues to not meet the standard of conduct expected within a reasonable timeframe, termination of employment may result.

If the problem with a worker's conduct constitutes serious misconduct, the disciplinary process may proceed immediately to a written warning or termination of employment without notice (i.e., summary dismissal). Serious misconduct by a worker may include:

- Theft.
- Fraud.
- Violence.
- Being under the influence of illegal drugs or alcohol at work.
- Gross negligence causing serious and imminent risk to the safety or health of a person, or;
- Deliberately disobeying an important instruction.

## INVESTIGATIONS

As each case will depend on individual circumstances, there is no set time frame for conducting an investigation in the case of misconduct, however, all cases must be dealt with promptly.

The PCBU may suspend a worker from work (paid or unpaid) during the course of an investigation into their conduct.

Ordinarily, the suspension of a worker will be for no longer than five days but may be extended at management's discretion. If the suspension of a worker continues for a period of four weeks or more, the PCBU reserves the right thereafter to continue the suspension without pay.

If at any time PCBU management considers that the worker is unreasonably delaying or impeding the progress of an investigation, they may withhold pay from the worker.

Copies of all documentation provided to workers throughout the disciplinary procedure are placed on the worker's personnel file.

This Procedure has been adopted.

PCBU REPRESENTATIVE		SIGNED		DATE	
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## 9.9 Fatigue Management Policy

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**Policy Number:** 9.9

**Policy Subject:** Fatigue Management Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU commits to operating within the guiding principles outlined in the Code of Practice Fatigue Management for Commercial Vehicle Drivers and the Work Health and Safety (General) Regulations 2022 Part 4.10 184F – Requirement for driver fatigue management plan.

**Guidelines:** The guiding principles are incorporated into the normal management functions of the PCBU and include the following:

- Workers must be in a fit state to undertake the task.
- Workers must be fit to complete the task.
- Workers must take minimum periods of rest.

These principles will be managed through:

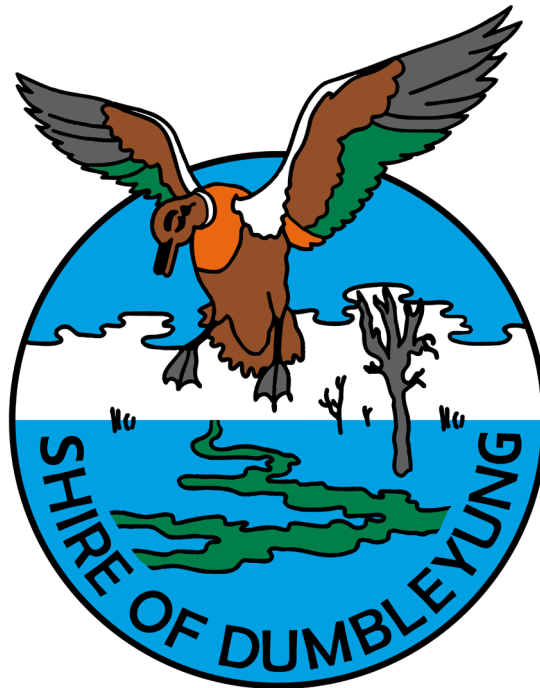
- The appropriate planning of journey schedules, including after normal hours charter work.
- Shift Rosters and scheduling within the Code of Practice Fatigue Management for Commercial Vehicle Driver guidelines.
- Regular vehicle maintenance scheduling and recording.
- Regular medical check-ups and monitoring of driver health issues.
- Providing a working environment that meets Australian standards.
- Ongoing information and awareness of driver health and fatigue issues.
- Ongoing driver information and awareness of local hazard awareness on all scheduled routes.

[Code of practice - Fatigue management for commercial vehicle drivers | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](#)

**Forms & Templates:** Fatigue Management Procedure

**First Adopted:** 20 October 2022, Motion 2022/138





**SHIRE OF DUMBLEYUNG**

**FATIGUE MANAGEMENT PROCEDURE**

# Shire of Dumbleyung Fatigue Management Procedure

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# Shire of Dumbleyung Fatigue Management Procedure

## 1 CONTEXT

Under the Work Health and Safety Act 2020, work relationships are defined as:

**“PCBU”** Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)

**“Worker”** A person who carries out work in any capacity for a PCBU (*E.g., An Employee, Contractor, Work Experience person or Volunteer*).

**No worker must be required to work in a manner that endangers their own or another’s health or safety from workplace fatigue.**

PCBUs have a duty of care to manage risks to the health and safety of their Workers and, conversely, Workers are required to commence work in a fit and healthy state. Fatigue has been recognised as being a potential hazard in the workplace as it significantly affects a person’s ability to function, reducing performance and workplace productivity. A loss of alertness due to fatigue can cause significant risks if the individual is engaged in hazardous tasks, increasing the chance of a workplace incident.

Fatigue can result from:

- Spending long periods of time awake;
- Obtaining an inadequate amount of sleep over an extended period;
- Obtaining an insufficient quality of sleep over an extended period;
- Prolonged periods of physical and/or mental exertion;
- Shiftwork;
- Extended working hours.

In addition, individuals can suffer a loss of alertness when undertaking monotonous or repetitive tasks.

A sufficient balance between work and family/personal life would be maintained by keeping sensible and safe hours of work while achieving operational goals.

## 2 PURPOSE

The purpose of this procedure is to provide an understanding and managing of the risks of fatigue.

## 3 SCOPE

This procedure applies to all Workers.

## 4 REFERENCES

- Safe Work Method Statement (SWMS)/Job Hazard Analysis (JHA) or Safe Work Instruction (SWI).
- Fitness for Work (Alcohol, Drug and Impairment) Procedure.
- Work Health and Safety (General) Regulations 2022
- Worksafe Fatigue Management for Commercial Vehicle drivers
- Code of practice fatigue management for commercial vehicle drivers

## 5 OBJECTIVE

The objective of the Fatigue Management Procedure is to ensure:

- Individuals are fit for work;
- The work environment eliminates or controls the risk of fatigue;
- Informed decisions are made in relation to hours of work, working arrangements and shift roster systems;
- Ongoing assessment and monitoring of the workplace is conducted to ensure workplace conditions or tasks do not result in fatigue;
- Individuals receive preventative and rehabilitative strategies including education, training, counselling and other assistance with fatigue related issues;
- Leaders are provided with information to assist with managing fatigue within their teams;
- All Workers are made aware of the contributing factors to fatigue, the symptoms of fatigue and how to best manage these factors;
- Fatigue related errors and incidents are correctly analysed to prevent recurrence.

# Shire of Dumbleyung Fatigue Management Procedure

## 6 DEFINITIONS

**Fatigue** – Markedly reduced performance or reduced ability to carry out normal duties safely that results from insufficient sleep or poor quality sleep, working at times individuals would normally be asleep, or mentally or physically demanding activities.

Fatigue can also be caused by a range of other work and non-work related factors including (but not limited to) stress, alcohol and other drugs (prescription and non-prescription) and physical or mental illness.

Symptoms of fatigue are behavioural (e.g., irritable and emotional), physical (e.g., yawning, fidgeting, eyes closing, cold/hot, lack of co-ordination, no appetite etc.) and psychological (low concentration, poor memory, poor speech and communication).

**Fitness For Work** – means that a person is in a physical, mental and emotional state that enables them to perform assigned tasks competently and without risk to themselves or others.

**PCBU/ Duty Holder** – The person who has accountability for the person or work team in question.

## 7 MANAGEMENT OF FATIGUE

### 7.1 SHARED ACCOUNTABILITY AND CONSULTATION

Reducing the risks associated with fatigue is a shared responsibility between the PCBU and Workers and requires reasonable actions to minimise the effects associated with fatigue.

### 7.2 PERSON CONDUCTING A DUTY OR UNDERTAKING (PCBU)

PCBU is responsible for:

- Developing an appropriate Fatigue Risk Management Plan that identifies, assesses and manages risks associated with fatigue. Plans should be developed with the understanding that individuals have different needs in relation to managing fatigue and plans should be reviewed on a regular basis to reflect any changes in work processes.
- Ensuring that work practices do not create inappropriate levels of fatigue for Workers, and that risk assessments are carried out where fatigue levels may compromise the safety of people at work.
- Providing suitable training/information for all Workers that outlines contributing factors of fatigue, symptoms of fatigue, potential risks and strategies for managing fatigue-related risks.
- Understanding Workers geographical locations concerning travelling times to and from work.
- Encourage all Workers to adopt healthy lifestyles that address alcohol consumption and nutritionally balanced foods;
- Encourage and provide information on hydration and the effects of dehydration in relation to fatigue.
- Ensuring fatigue management practices are continually monitored and reviewed.

### 7.3 PCBU & DUTY HOLDERS (e.g., Supervisors – Leading Hands)


PCBU & Duty Holders Responsibilities include -

- Encouraging Workers to report if they feel they are affected by fatigue.
- Responding appropriately to Workers who report being affected by fatigue.
- Responding appropriately to Workers who may raise personal issues that may affect a person's fitness for work (e.g., outside demands, illness, nutrition, sleeping disorders etc).
- Being aware of the symptoms of fatigue (e.g., irritability and drowsiness etc).
- Monitoring Workers at high-risk times of the shift (e.g., mid-afternoon and just before dawn);
- Encouraging Workers to plan for adequate sleep, especially in preparation for early morning starts and night shift (if applicable).
- Where possible, ensuring Workers are rotated appropriately through various tasks to reduce physical or mental fatigue and that breaks are taken.

### 7.4 WORKERS

Workers are responsible for minimising the risks associated with fatigue by:

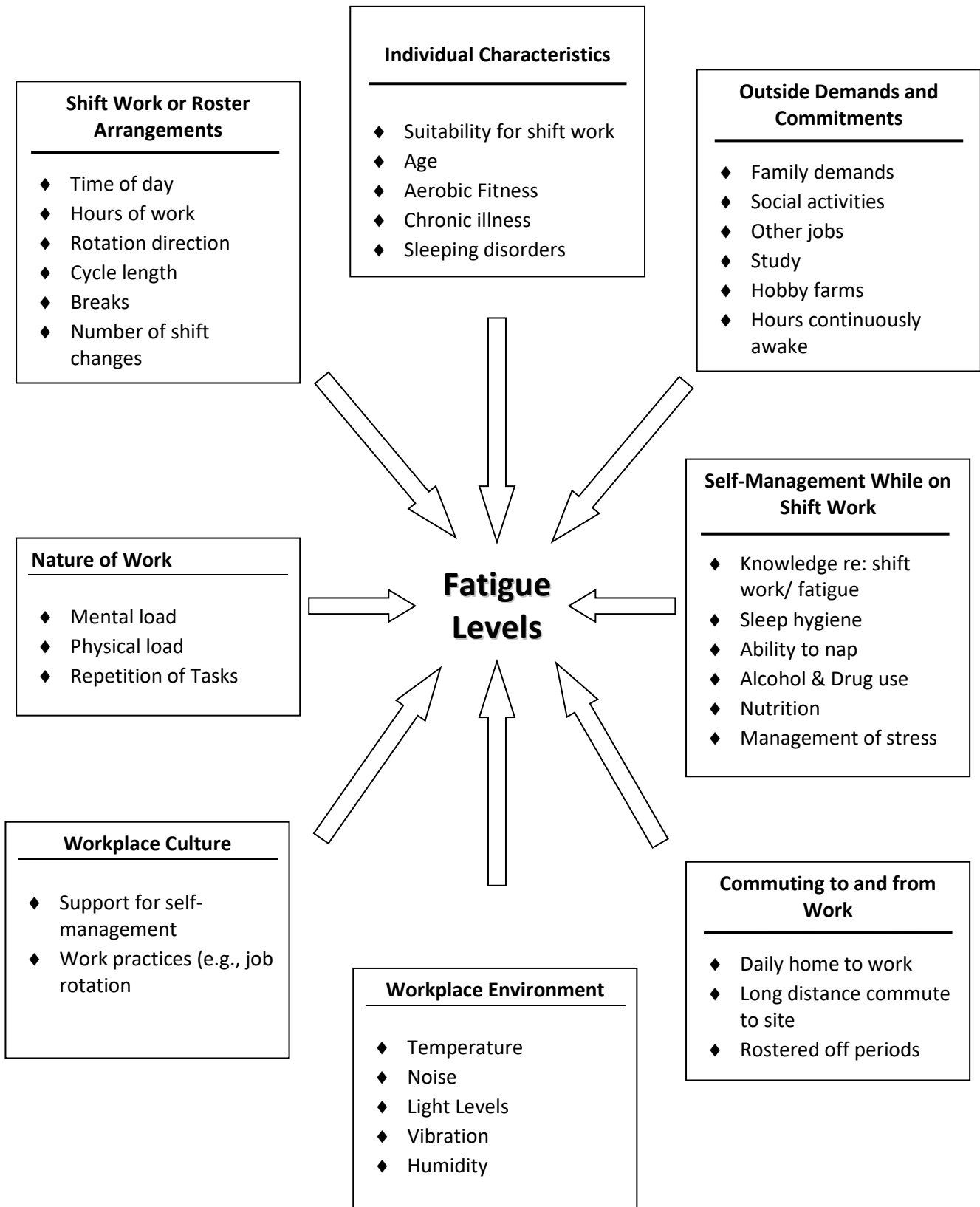
- Ensuring they present themselves fit for work at the commencement of each shift;
- Understanding their responsibilities in relation to fatigue management;
- Informing their supervisor if they are affected by fatigue.

Document Title: PRC-07 Fatigue Management Procedure		Prompt Safety Solutions (PSS) Document	Publish Date: March 2022 PRC-07	Review Date: Nov 2022 Revision: 01
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# Shire of Dumbleyung Fatigue Management Procedure

## 8 CAUSES OF FATIGUE (HAZARD IDENTIFICATION)

It is important to recognise there are a number of factors that can lead to fatigue in an individual including:



The above factors are not necessarily an exhaustive list but it highlights the need to manage all aspects that could lead to fatigue.

# Shire of Dumbleyung Fatigue Management Procedure

## 9 RISK ASSESSMENT

Formal written risk assessments to identify fatigue risks must be conducted:

- Prior to implementing new shift roster working arrangements or varying existing shift working arrangements;
- Prior to approval being sought for any extension to work hours beyond 12 hours in one work shift;
- Prior to approval being sought for a person to commence work without a 10 hour break since the last work period;
- Prior to approval being sought for a person to commence a short notice overtime shift beyond 12 hours in one work shift.

Risk assessments must be completed by the person requested to do the work and the PCBU.

Risk assessments must be reviewed and approved by the PCBU.

**NOTE:** Please refer to Appendix A.1 - Risk Assessment Guideline for Fatigue Management

### 9.1 RISK FACTORS

The following factors should be considered when assessing fatigue related risks:

#### 9.1.1 THE WORKER

- Lengthy commuting and travelling times - to and from work, travel times during breaks, work and non-work related travel;
- Does the worker feel alert and able to continue working safely?
- Does the person display any obvious signs of fatigue (red eyes, yawning, slurred speech etc.)?
- The person's recent rostered or non-rostered hours of work;
- Are there any personal or health factors that may affect the worker's ability to work safely (such as prescription or non-prescription medication; disruptions to normal sleep opportunities; family/personal issues)?
- The type of work the individual has completed in the previous shift;
- Has the person worked on night shifts within the previous 48 hours;
- Has the person had at least 13 hours sleep in the preceding 2 nights/days;
- Does the individual have a sleep disorder (e.g., chronic obstructive disorder, sleep apnoea etc.)?
- Where the person is up to in their roster (first shift back from a break).

#### 9.1.2 THE WORK

- Is the work physically or mentally demanding for the person involved?
- Are there fatiguing environmental factors e.g., heat, humidity, noise, vibration, exposure to hazardous substances?
- Is the work a fatigue critical task (i.e. there is a high risk consequence of making a fatigue related error or having a fatigue related incident)?
- Do individuals have to work between 21:00 and 07:00?
- What level of supervision will be available?
- Is it likely that a high-risk might evolve during the course of work?
- Is the task repetitive?
- Is the task highly reliant on cognitive interaction between person/machine?

# Shire of Dumbleyung Fatigue Management Procedure

## 10 FATIGUE RISK CONTROL

The PCBU will ensure that working environments that could contribute to fatigue are identified, assessed and controlled. These include environments that are extremely hot, noisy, have unacceptable levels of vibration, humidity or lighting.

Workers should be able to adjust their working environment to reduce the potential for fatigue or report the situation to their PCBU.

Where repetitive high workloads (both physical and mental) are required to be undertaken, job share and rotation strategies may be adopted to minimise the exposure to those Workers required to undertake the task.

### 10.1 INDIVIDUAL CONTROL

If an individual becomes fatigued, they must cease any hazardous or high risk activities and notify the PCBU.

In consultation with the PCBU, they should implement appropriate steps to manage fatigue including having a break, taking refreshments (food/drink), doing some physical activity (stretching, walking), modifying the work environment (temperature change etc.) or doing alternative duties.

If an individual still feels fatigued after taking such measures, the individual must inform the PCBU. The PCBU will then assess the situation and determine what further action is required to address the risks.

Any person identified as a high risk to the effects of fatigue must be regularly monitored by other team members to ensure they do not present themselves as a risk to their own or others health and safety.

### PCBU & DUTY HOLDERS (E.G., SUPERVISORS – LEADING HANDS) CONTROL

If the PCBU or Duty Holder becomes aware of a fatigued worker, they should consider –

- Allowing an appropriate rest break (could include taking a break, food/drink, physical activity);
- Allowing the person to continue working with increased supervision or assistance from another worker;
- Assigning other duties to the affected person;
- Providing transport home or accommodation for the fatigued person;
- Normal hours of work do not exceed 12 hours per day;
- Review the working roster to minimise the risk of fatigue to Workers.

## 11 ROSTER AND SCHEDULING

Work rosters designed for Workers should not place anyone at risk of sleep deprivation and fatigue. A formal risk assessment must be completed where hours of work arrangements are different to the requirements detailed in this procedure, followed by written approval to proceed from the PCBU.

The table below displays rules which should be applied when planning rosters:

# Fatigue Management Procedure

**TABLE 11.0 ROSTER & SCHEDULING RULES**

WORK HOURS	STANDARD RULES – ALL WORKERS	OUTAGE RULES – MANUAL WORKERS	OUTAGE RULES – NON-MANUAL WORKERS
Up to 12 hours Continuous	Individual and PCBU or Duty Holder assesses fitness for work.	Same as standard rules	Same as standard rules
12 to 14 hours Continuous	<ul style="list-style-type: none"> <li>• Individual and PCBU or Duty Holder must complete a formal Risk Assessment (refer to attachment 1) for work extending beyond 12 hours.</li> <li>• PCBU to approve any extension of work beyond 12 hours.</li> <li>• Prior to travelling home, the PCBU or Duty Holder and individual to re-assess the person’s fitness to drive. Transportation home must be provided if the Risk Assessment determines a Medium or High Risk of fatigue.</li> <li>• No individual will be permitted to work more than 14 hours in any 24-hour period.</li> </ul>	Same as standard rules	<ul style="list-style-type: none"> <li>• Individual and PCBU or Duty Holder must complete a formal Risk Assessment (refer to appendix A.1) for work extending beyond 12 hours. PCBU or Duty Holder to approve any extension of work beyond 12 hours.</li> <li>• Prior to travelling home, the PCBU or Duty Holder and individual to re-assess the person’s fitness to drive. Transportation home must be provided if the Risk Assessment determines a Medium or High Risk of fatigue.</li> <li>• No individual will be permitted to work more than 14 hours in any 24-hour period.</li> </ul>
Total hours of work Weekly	<ul style="list-style-type: none"> <li>• The total hours worked must not exceed 156 hours in any 13 day period without a risk assessment sheet filled in as per attached.</li> <li>• Total hours worked is counted from Shift commencement time until the commencement of a 10 hour break.</li> <li>• No person shall work more than 13 consecutive shifts without a risk assessment filled in as per attached.</li> <li>• Must have at least 24 hours off in any 14 day period unless risk assessment filled in as per attached.</li> </ul>	<ul style="list-style-type: none"> <li>• The total hours worked must not exceed 156 hours in any 13 day period without a risk assessment sheet filled in as per attached.</li> <li>• Total hours worked is counted from Shift commencement time until the commencement of a 10 hour break.</li> <li>• No person shall work more than 13 consecutive 12 hour shifts without a risk assessment sheet filled in as per attached.</li> <li>• Must have at least 24 hours off after completing 13 consecutive 12 hour shifts unless risk assessment sheet filled in as per attached.</li> </ul>	<ul style="list-style-type: none"> <li>• The total hours worked must not exceed 156 hours in any 13 day period without a risk assessment sheet filled in as per attached.</li> <li>• Total hours worked is counted from Shift commencement time until the commencement of a 10 hour break.</li> <li>• No person shall work more than 13 consecutive 12 hour shifts without a risk assessment sheet filled in as per attached.</li> <li>• Must have at least 24 hours off after completing 13 consecutive 13 hour shifts unless risk assessment sheet filled in as per attached.</li> </ul>
Break between consecutive shifts	<ul style="list-style-type: none"> <li>• A minimum break of 10 hours between consecutive shifts worked.</li> </ul>	Same as standard rules	Same as standard rules
Shift Pattern Change	<ul style="list-style-type: none"> <li>• A minimum break of 24 hours when changing shift from day to night or vice versa.</li> </ul>	Same as standard rules	Same as standard rules



# Fatigue Management Procedure

## 12 BREAKS

Breaks away from current work activities are an important control measure to manage the effects of fatigue. Suitable time spent away from the immediate work environment can enable a person to recover from fatigue and improve work performance, vigilance, safety and efficiency. Breaks must be taken during work shifts and must not be traded for an early finish time for the shift. If a person is suffering from the effects of fatigue during a shift, they should notify their manager/team leader and be encouraged to take a break. Breaks may include but are not limited to taking a refreshment break such as tea, coffee, water or food; undertaking a physical activity such as stretching exercises or a short walk; undertaking an alternate (low risk) work task.

## 13 OCCUPATIONAL EXPOSURE LEVELS

Extended working hours may increase the risk of health effects from exposure to hazards such as noise, heat and chemicals. Exposure levels from these hazards should be carefully monitored and adjusted accordingly for the number of hours worked in extended shifts. Expert advice should be sought to reduce occupational exposure levels which have the ability to impair a person's health, taking into account adequate recovery time after exposure. A full risk assessment detailing appropriate control measures should endeavour to reduce exposure levels to as low as reasonably practicable.

## 14 MANUAL TASKS

Prolonged performance of repetitive tasks without sufficient rest and recovery time may result in occupational overuse injury. The risk of a musculoskeletal injury also increases when working extended shifts due to the cumulative effects of muscle fatigue, strains and sprains. Repetitive manual work should be rotated appropriately and replaced with suitable tasks, which may reduce the risk of this type of injury.

## 15 COMMUTING

Commuting time spent travelling to and from work must be considered when managing fatigue. Excessive travelling time can reduce the time available for sleep and recovery between shifts and, when combined with driving, can become a significant hazard. Supervisors may organise appropriate travel arrangements for anyone found to be suffering from the effects of fatigue following a Fatigue Management Assessment.

## 16 REVIEW

Compliance with the Fatigue Management Procedure will be monitored and reviewed. Appropriate information should be collected to assist with the monitoring and management of fatigue.

### 16.1 ACCOUNTABILITIES

ROLE	ACCOUNTABILITY
PCBU	Are accountable for the authorisation and variation of this procedure. Are accountable for implementation of this procedure. Are accountable for ensuring that these procedures are followed
PCBU/Duty Holders	Are accountable for ensuring the day to day operation of these procedures.
Workers	Are accountable for carrying out work in accordance with this procedure.
WHS Coordinator	Is accountable for the review and update of this procedure as required or following relevant legislative changes.

This Procedure has been adopted.

PCBU REPRESENTATIVE		SIGNED		DATE	
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# Fatigue Management Procedure

## A.1 APPENDICES A1 RISK ASSESSMENT GUIDELINES FOR FATIGUE MANAGEMENT

**DO NOT ACCEPT A CALL OUT IF YOU ARE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL**

Task to be carried out:
Reason for completing Risk Assessment:
Name of person being assessed:
Date:

Questions to be asked by the PCBU or Duty Holder when either a worker has been called out on overtime, or when a worker arrives at the workplace to commence their normal duties and a PCBU or Duty Holder think that they may be affected by fatigue.

RISK ASSESSMENT	TOTAL HOURS	LOW RISK	MEDIUM RISK	HIGH RISK
How much sleep have you had in the last 24 hours?		More than 6	5 to 6	Less than 5
How much sleep have you had in the last 48 hours?		13 or more	12 to 13	Less than 12
How do you feel?		Highly alert	Relaxed	Dangerously fatigued
Do you feel confident to work for the full shift without becoming fatigued?		Yes	Probably	No

Actions to manage the outcome:

**High risk** – Do not commence the worker and manage via the Fatigue Management Procedure

**Medium risk** – Discuss the worker’s fitness to work and consider lower fatigue risk tasks (alternative duties), shorter shift, more regular breaks, regular or direct supervision, transportation to and from work, work closely with another worker.

**Low Risk** – Discuss the outcome with the worker. No further action is required.

**Workers can also use this table when they have been called out for an overtime shift or at the commencement of a normal rostered shift and report to their manager/team leader if they feel they fall into the Medium or High Risk category.**

Worker Name:	Signature:	Date:
PCBU or Duty Holder Name:	Signature:	Date:

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## 9.10 Right to Stop Work Policy

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**Policy Number:** 9.10

**Policy Subject:** Right to Stop Work Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** This Policy sets out guidelines for workers and their right to stop work. This policy is applicable to all workers.

**Guidelines:** The PCBU encourages and supports any decision to stop work if it becomes apparent that harm could occur to themselves, co-workers, members of the public, assets (whether our own or other, including equipment and materials), or the environment in which we work.

Should any occasion arise due to an unsafe action, behaviour, omission or non-action of any party involved in operations which may result in harm to any or all of the above, then work must cease immediately. Work that has ceased due to a stop work order, must not be resumed until the task is re-evaluated for a safer, risk managed approach.

Should there be any reasonable doubt, the worker must immediately consult their supervisor/manager to seek the best way to continue the work safely. There must be no blame or fault put on any person calling for stop work, even if, upon investigation, the stop work order was deemed unnecessary.

Any stop work order must be applied in good faith.

**Forms & Templates:** Nil

**First Adopted:** 20 October 2022, Motion 2022/138

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## 9.11 Training, Competency and Awareness Policy

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**Policy Number:** 9.11

**Policy Subject:** Training, Competency and Awareness Policy

**Responsible Officer:** Chief Executive Officer

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU recognises the importance of training and developing their workers and understand that their workers are they key to success as a business. Management encourages their workers to continually improve their skills and abilities, both through on-the-job training and external training.

The PCBU acknowledges that training and development of workers provides workers benefits both, in terms of their overall career and prospects for advancement within the business, as well as being central to the success of the business.

This policy sets out what the PCBU may offer workers through training and development opportunities, aimed at promoting the growth of individuals, teams and achieving success for the business.

This policy applies to all workers. This policy does not form part of any worker contract of employment.

### **Guidelines:**

#### **Training**

PCBU management may require a worker to undertake specific in-house or external training related to their current position, or as a prerequisite for performing a different position. For example, if a worker is promoted to a higher position. Any such training may be carried out either in-house or through an external provider.

Training opportunities may also arise as part of a worker performance review. The PCBU encourages workers to propose suggestions for employment-related training to assist their development.

Workers are required to have the permission of the PCBU prior to signing up or attending a training course. If a worker fails to obtain permission, the PCBU in its discretion, may decide not to reimburse a worker for any course fees the worker may have paid, or discipline the worker for any time they may have taken off work without authorisation (up to and including termination of employment).

#### **Worker Development**

Individual worker training and development needs will be discussed during the worker performance review process. This review process is designed to:

- Enhance the worker’s professional development.

- Clarify job responsibilities and performance goals/expectations.
- Establish appropriate development and performance objectives.
- Help workers identify a possible career path for themselves, if required.
- Identify ways in which management might enable individuals to improve their performance.
- Ensure that information on job performance, training and achievements is recorded in each worker's employment history.
- Provide a basis for decisions on remuneration.

The PCBU may offer any of the following opportunities for worker development:

- Various degrees of support for workers to develop the competence and capability for which they have been employed.
- The opportunity to develop new competencies and capabilities relevant to workers, to enhance career prospects and learning in the industry, both within and outside the business.
- Workers are encouraged to participate in the worker development/review process with their manager, including identifying opportunities for ongoing training and/or support, and an annual review of previous development programs and identification of plans for the future.
- A record of all worker development activity through the Verification of Competency Process (VOC), as applicable.

The PCBU expects that workers will:

- Develop skills and capabilities that are aligned with the business strategy at the appropriate level.
- Participate in worker development/review processes in partnership with their manager, including an annual review of past development and identification of future plans.
- Take personal responsibility to update specific expertise on a regular basis, as appropriate to the nature of their role.

**Forms & Templates:** Nil

**First Adopted:** 20 October 2022, Motion 2022/138

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## 9.12 Environmental Management Policy

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**Policy Number:** 9.12

**Policy Subject:** Environmental Management Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** The PCBU has implemented an Environmental Management System (EMS) which forms part of the Work Health and Safety System. It focuses on continual improvement in environmental performance in all operations.

We are committed to managing our activities to reduce the adverse effects on the environment, while balancing economic and social needs of sustainable development. Where applicable, we will involve stakeholders, suppliers and workers, to ensure environmentally sound and safe work practices.

**Guidelines:**

The PCBU is committed to the following objectives:

- Conserving our natural and cultural environment and treating natural resources with care.
- Working towards ecologically sustainable development with regard to raw material used, energy sources and usage and the environmental impact of our activities.
- Adopting a reduce, re-use and recycle approach, as is reasonable and practicable.
- Adopting best available and affordable technologies, as is reasonable and practicable.
- Set internal objectives to improve our environmental performance.
- Identifying, and as practicable, eliminating environmental pollution as a result of our activities.
- Continually improving our WHS Management System incorporating Work Health and Safety and Environmental Management.

The PCBU is committed to complying with applicable legal and other environmental regulations, standards, and requirements to appropriately manage our environmental aspects.

Responsibility for the application of this policy includes all workers engaged in activities under the PCBU’s environmental control.

**Reference Documents**

AS/NZS 14001-2015 Environmental Management Systems

**Forms & Templates:** Nil

**First Adopted:** 20 October 2022, Motion 2022/138

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## 9.13 Smoke Free Workplace Policy

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**Policy Number:** 9.13

**Policy Subject:** Smoke Free Workplace Policy

**Responsible Officer:** Director of Infrastructure

Under the Work Health and Safety Act 2020, work relationships are defined as:  
“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Entity] is the PCBU*)  
“Worker” A person who carries out work in any capacity for a PCBU (*e.g., An Employee, Contractor, Work Experience person or Volunteer*).

**Policy Statement:** This policy sets out guidelines to effectively manage a smoke-free workplace and to minimise risks associated with smoking and passive smoking in the workplace, in compliance with legislation and workplace health and safety requirements.

This policy applies to all workers, including visitors, at PCBU properties and work sites, and applies to all work place vehicles, plant and machinery as well as any workplace provided accommodation.

**Guidelines:** As part of our commitment to a healthy workplace for all, the PCBU supports and encourages a smoke free workplace, creating a healthier work environment and reducing the risk of exposure to second hand smoke.

Workers, including visitors, must not smoke in any enclosed space, including buildings or other enclosed structures, work vehicles, plant and machinery. Smoking is not permitted inside any PCBU provided work accommodation for workers or visitors.

We encourage workers who wish to stop smoking to contact the QuitLine at <https://www.quit.org.au/> or call 137 848.

### **Consequences of Breaching this Policy**

A breach of this policy may incur investigation and result in disciplinary action.

### **References**

*Work Health and Safety (General) Regulations 2022*  
Cancer Council WA  
QuitLine

**Forms & Templates:** Nil

**First Adopted:** 20 October 2022, Motion 2022/138

## **SECTION 10 – BUILDING / DEVELOPMENT**

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### **10.1 Housing – Picture Hooks in Walls (Deleted)**

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**Deleted:** 18 April 2024, Motion 2024/367



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## 10.2 Governance Arrangements for the Fence Road Drainage Scheme

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**Policy Number:** 10.2

**Policy Subject:** Governance Arrangements for the Fence Road Drainage Scheme

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for the Fence Road Drainage Scheme.

**Guidelines:** Shire administers planning provisions for connections to the Fence Road arterial drainage system and all new drainage in the LGA (template for planning provisions and design of connections provided).

Proponents of new drainage should be advised that:

- New drains should be established where clearing of native vegetation is not required.
- Shire may assist proponent in determining appropriate locations for new connections to existing Fence Road arterial drainage system.
- Shire may require detail on proposed new drains including length, depth, alignment and profile.
- New drains connecting to the Fence Road arterial drainage system should be no more than 2m deep and graded to paddock level.
- All new drains will require details on surface water management, chutes, confluences, interceptor banks or levee banks.
- All new drains will require detail on soil and sediment control and removal or disposal of soil.
- The Shire may request proponent to undertake on site water quality testing and provide an indication of likely drainage water volumes that will be discharged from site.
- Construction should be undertaken by a skilled service provider.
- There may be limitations to new connections to the Fence Road arterial drainage system where those new drains may impact on the integrity of the receiving drain.
- Where proponents establish new connections to the Fence Road arterial drainage system, the proponent will be responsible for costs for construction and ongoing maintenance of the new section of drain.
- The Shire may seek to establish care and control of new drains that connect to the Fence Road arterial drainage system where those drains have a public benefit i.e. more than one owner or where those drains have an impact to the existing Fence Road.
- Landowners wishing to take water from the Fence Road arterial drainage system will be responsible for the costs to take water including construction of a levee bank, new dams, and pipe and pump supply.
- Landowners will be responsible for any damage caused to drainage infrastructure through the taking of water.
- Landowners must advise the Shire prior to taking water.
- Landowners are advised that the Fence Road arterial drainage water quality can be poor (highly acidic and high salinity) and may pose risk to stock and should not be used for human consumption. Landowners should determine water quality prior to taking water.

- Where landowners wish to access water they should only take water from the combined system by temporarily impeding water flow with manual placement of sluice boards on the upstream side of culverts in the combined surface and ground water system.
- Landowners are to check weather forecasts prior to taking water, ensuring large flows and resultant flooding will not be encountered when temporarily impeding water flow at culverts.
- Landowners must remove obstruction to flow once pumping is complete.
- Planning permission may be required if landowners want to divert surface water from modified surface water channels adjoining separated groundwater drains.

When constructing levee banks to divert surface water from the Fence Road arterial drainage system landowners will need to:

- Inform the Shire of proposed locations for construction of levee banks.
- Seek advice from the Shire regarding design and construction of levee banks.
- Obtain any required planning approvals (conditions for design and construction of levee banks may be provided by the Shire at that stage).
- Levee banks should be constructed using a skilled service provider.

Shire administers planning provisions for construction of new farm crossings on the Fence Road arterial drainage system.

Proponents for new drainage should be advised that:

- Shire may assist proponent in determining appropriate locations for new farm crossings on the existing Fence Road arterial drainage system.
- Any additional works proposed to be undertaken on the Fence Road arterial drainage system or future connections to the system that relate to incorporating, maintaining or replacing crossings or any other ancillary works will need be undertaken on advice from the Shire.
- Construction should be undertaken by a skilled service provider.
- Where there is public benefit i.e. the proposed crossing is on a new connection to the Fence Road arterial drainage system that crosses multiple properties the costs for construction of that crossing may be negotiated between the Shire and relevant landholders.

Fencing type will align with existing Council Local Law however location and alignment of fencing is covered through recommendations provided below:

- Shire recommends that all new drains (including new connections to the Fence Road arterial drainage system are fenced).

With relevance to the Fence Road arterial drainage system:

- All access point to the Fence Road arterial drainage system will require modified drop down fences.
- Landowners must prevent stock from entering the drainage easement except for the purposes of transferring stock across the easement erecting suitable standard of fencing and aligning with or as close to reasonably practical to the easement boundary.
- Existing fencing not currently located on the easement boundary when replaced will need to be erected to a suitable standard and aligning with or close as reasonably practical to the easement boundary.
- All new fencing along the Fence Road arterial drainage system shall not impede vehicular access to provide maintenance and must be at least 4-

5 metres from the outside toe of the bank for both combined and separated system.

- Where alternative access points are required across the Fence Road arterial drainage system the landowner will be responsible for the costs to construct new crossings including costs for fencing.
- Landowners will be required to undertake ongoing minor maintenance of fences aligning the Fence Road arterial drainage system.
- The Shire will undertake removal of debris including burning in the drainage easement as part of its service standard for occasional maintenance.

Shire will ensure when burning in the drainage easement that:

- Deposited material is removed from culverts to a distance of 10m or greater from the end of the culvert pipes.
- Remove debris manually whenever possible (burning in the drain as last resort).

The Fence Road Drain Committee will consist of representatives from the drainage area who have an interest in the ongoing management of the scheme, one Shire Representative and Shire Staff.

The committee's responsibilities will include:

- Provide a management role in conjunction with the Shire, and act as a conduit for information sharing between the Shire and involved landowners.
- Develop policies, and activities that deal with health and safety, dispute resolution and any management responsibilities.
- Collating information, retaining records on drainage areas (dimensions, capacities, rainfall, flow, proposed and constructed drains and other infrastructure), including assisting in regular inspections.
- Provide input on maintenance priorities and works program for the Shire.
- Provide input to the Shire in determining an annual service charge system for the drainage area.

**Forms & Templates:** Appendix A and Appendix B from the "Governance Arrangements for the Fence Road Drainage Scheme" document.

**First Adopted:** 21 October 2004

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222

## Appendix A – Proposed Service Standard for Maintenance

Level of Service	Service Standard	Comments	Reporting	Costs
Land drainage system is reliable and efficient	<ul style="list-style-type: none"> <li>Maintain hydraulic efficiency and eliminate obstructions through undertaking inspections and preventative maintenance.</li> <li>Complete a target of 100% of 55 km mechanical cleaning and grade correction per annum if required.</li> <li>Inspect infrastructure as per agreement with landholders and FRDC, (culverts, bed, bank, sediment traps, fencing, pumps, pipes).</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance will be dependent on flood events, (links with understanding system).</li> <li>After first year and or first year of surface flow an assessment can be undertaken to determine frequency of maintenance.</li> <li>Level of maintenance required by landholders outlined through consenting mechanism.</li> </ul>	Part of annual reporting process	Costs associated with, schedule, labour and type of maintenance required.
Drainage system understood and robust	<ul style="list-style-type: none"> <li>Monitor flood and rainfall events</li> </ul>	<ul style="list-style-type: none"> <li>Shire will need to address monitoring requirements.</li> <li>Photo records - set up photo points and keep photo record of system during the monitoring period</li> </ul>	Part of annual reporting process	Shire monitoring should be included in inspection/maintenance costs.
Shire will undertake a cooperative approach with landholders and FRDC for drain maintenance	<ul style="list-style-type: none"> <li>Develop and operate in terms of a framework for cooperation. Develop a consenting mechanism for consenting drain maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>Depending on the level of maintenance required landholders may undertake maintenance.</li> <li>Consenting mechanism can relate to directions/obligations landholders have in reporting maintenance issues.</li> <li>Undertaking maintenance</li> <li>The Shire undertaking inspections regularly or as required by notification from landholders.</li> <li>Reporting.</li> </ul>	Mechanism developed through governance structure	Costs to be negotiated with landholders through the Governance process.
Hazards and risks in drainage system identified	<ul style="list-style-type: none"> <li>Inspections are undertaken, any faults are responded to in an appropriate time/period</li> </ul>	<ul style="list-style-type: none"> <li>Inspections are as needed and can also link into routine inspection of infrastructure.</li> <li>Hazards are potentially, injury, death and hazard to integrity of infrastructure.</li> <li>Landholder agreement can link with consenting mechanism.</li> </ul>	Part of annual reporting process.	Costs for inspections can link into standard maintenance costs.

**Appendix A – Proposed Service Standard for Maintenance (cont.)**

Regular Maintenance	Occasional Maintenance	Remedial Maintenance	Monitoring
<ul style="list-style-type: none"> <li>• Inspection of all infrastructure including inspection for hazards.</li> <li>• Mechanical cleaning and grade correction</li> <li>• Disposal of collected debris/silt.</li> <li>• Removal of silt from silt traps on separated system</li> <li>• Weed control within drainage channel</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of debris/silt from channel, culverts pipes and silt traps</li> <li>• Disposal of debris/silt</li> <li>• Stabilisation of rock protection</li> <li>• Stabilisation of pipe inlets/outlets.</li> </ul>	<p>The following items can often be managed through good design. Where they are found to be necessary will be due to site-specific characteristics or unforeseen events, and as such the frequency is difficult to predict:</p> <ul style="list-style-type: none"> <li>• Repair of rock protection (head, side and base)</li> <li>• Repair external/internal levee banks</li> <li>• Incorporate additional infrastructure including chutes, culverts, pipes, confluence.</li> <li>• Repair/replace pump.</li> <li>• Erosion control, including bed and bank stabilisation.</li> <li>• Sediment/debris removal</li> <li>• Realignment of drains.</li> </ul>	<p>Regular inspections should be undertaken, particularly after construction and significant storm events to:</p> <ul style="list-style-type: none"> <li>• Identify areas of erosion and scour.</li> <li>• Identify areas of sediment deposition.</li> <li>• Determine the health of nearby vegetation.</li> <li>• Identify areas of ponding.</li> <li>• Bed and bank stability and integrity of infrastructure</li> <li>• Hazard identification, (inspection of all infrastructure).</li> </ul>

## Appendix B – Proposed Consenting Mechanism for Landholder Maintenance

<b>Consenting Mechanism for Maintenance- Landholders</b>	
<p>The following information is a proposed strategy for consenting landholder maintenance. The details of procedures for landholder maintenance contained in any consenting mechanism will need to be developed and negotiated between landholders, Fence Road Drain Committee and the Shire.</p>	
<b>Landholder responsibilities</b>	<b>Proposed process for maintenance</b>
<p>Where it is decided that burn deposited combustible material in the drain, such as accumulated vegetation is appropriate.</p>	<ul style="list-style-type: none"> <li>• Deposited material is removed from culverts to 10 meters or greater from the end of culvert pipes (burning exclusion zone) prior to burning.</li> <li>• Where removal cannot be undertaken manually the Shire and or local fire brigade will provide that service or supervise landholders to undertake works.</li> <li>• A fire retardation cover is placed over the culverts.</li> <li>• Burning may not occur during windy conditions or times of high fire danger.</li> <li>• Landholders must not leave burning material unattended.</li> <li>• Parties are responsible for any damage caused to drainage infrastructure because of burning.</li> <li>• Landholders are required to phone the Shire to report any problems/issues immediately.</li> </ul>
<p>Weed control within easement boundary &amp; (bed and banks).</p>	<ul style="list-style-type: none"> <li>• Weed control must be undertaken on a regular basis (can be in conjunction with seasonal weed control practices).</li> <li>• Vehicular access is restricted from the drainage channel for weed control purposes, care must be taken when undertaking weed control.</li> <li>• Landholder is responsible for any damage caused to drainage infrastructure because of weed control works.</li> <li>• Advice on weed control practices will be available from the Landcare Officer.</li> <li>• Landholders are required to phone the Shire to report any problems/issues immediately.</li> </ul>
<p>Re-vegetation of berms, combined and separated system.</p>	<ul style="list-style-type: none"> <li>• Advice on appropriate re-vegetation practices (distribution, species, location and re-vegetation plans) will be available from the Landcare Officer.</li> <li>• Vehicle access is restricted from the drainage channel unless under supervision of the Shire.</li> </ul>

## Appendix B – Proposed Consenting Mechanism for Landholder Maintenance

Individual landholder responsibilities	Process for maintenance
Fencing maintenance	<ul style="list-style-type: none"> <li>• Landholders will undertake ongoing minor maintenance of fences aligning the drain, to ensure they meet standards.</li> <li>• Advice on fencing requirements and standards will be available from the Landcare Officer</li> </ul>
Hazard identification	<ul style="list-style-type: none"> <li>• Landholders will inform the Shire of any potential hazards to the system immediately, where those hazards may impact on the integrity of the drainage infrastructure, pose a risk to health and safety of persons or stock.</li> <li>• Or within 24 hours where those hazards do not pose an immediate problem.</li> </ul>
Taking water from the combined system	<ul style="list-style-type: none"> <li>• Landholders will be required to contact the Landcare Officer. (9863 4225).</li> </ul>
Minor Maintenance not requiring an NOI	<ul style="list-style-type: none"> <li>• Undertake minor maintenance or works that do not require planning approval and are agreed through a framework for cooperation with the Shire and the Fence Road Drain Committee.</li> </ul>
Additional private connections to Original Fence Road Pilot Drainage Scheme	<ul style="list-style-type: none"> <li>• Landholders will be responsible for all maintenance of additional drains that link into the original Fence Road Pilot Drainage Scheme.</li> <li>• Fencing is at the Landholders discretion.</li> </ul>

## **SECTION 11 – PUBLIC FACILITIES**

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### **11.1 Aged Care Housing Eligibility Criteria**

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**Policy Number:** 11.1

**Policy Subject:** Aged Care Housing Eligibility Criteria

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for the criteria for aged care housing.

**Guidelines:** That the following criteria be used to determine ranking of applicants for entry into any Council Aged Care Units in Dumbleyung and Kukerin where there have been more applications received than vacancies:

- Minimum age of 60 years;
- *Local Applicant (applicants primary place of residence is/was in the Shire of Dumbleyung or applicant has immediate family whose primary place of residence is/was in the Shire of Dumbleyung);*
- Ability to pay;
- **IF** on a Centrelink pension – direct payment from Centrelink;
- A medical certificate to ensure applicants are capable of maintaining the unit – reviewed bi-annually;
- Special circumstances – to be a decision of Council.

Units 1/501, 2/501, 11/501, 12/501 and 13/501 McIntyre Street, Unit 4 Harvey Street Dumbleyung are to be restricted to Aged Care use only.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110  
18 April 2024, Motion 2024/367  
20 June 2024, Motion 2024/395



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## 11.2 Dumbleyung & Kukerin Hall Bookings & Hall Equipment Hire

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- Policy Number:** 11.2
- Policy Subject:** Dumbleyung & Kukerin Hall Bookings & Hall Equipment Hire
- Responsible Officer:** Administration Officer
- Policy Statement:** To provide guidelines for Dumbleyung & Kukerin Town Hall hire and equipment hire.
- Guidelines:** That five (5) days' notice is required for all bookings to ensure availability, with the exception of extraordinary events or functions (Funerals/Memorials exempt).

That individuals and groups hiring hall equipment be charged the appropriate hire deposit in addition to the set hire fee as set out in the Shire of Dumbleyung Fees and Charges.

### **Hall Equipment – Old Stock for External Hire**

That only hall equipment items e.g. chairs, tables, crockery considered to be 'old stock' rather than 'new stock' be available for external hire, i.e. away from Shire owned property. Hirers shall return the equipment in good time or be charged accordingly.

### **Hall and Equipment Hire – Fees, Bonds and Conditions**

The fees and bonds for Dumbleyung & Kukerin Town Hall hire and equipment will be as per the Shire of Dumbleyung Fees and Charges. All fees and bonds are to be paid to the Shire of Dumbleyung prior to the issue of keys and prior to the event.

Prior approval must be obtained from the Shire of Dumbleyung if you plan to consume or sell alcohol as it may be necessary to obtain a liquor licence from the Department of Racing, Gaming and Liquor WA. The hirer will be responsible for obtaining any liquor licence required. Copies of all permits must be provided to the Shire of Dumbleyung and a copy must be on display at the event.

1. The booking is not confirmed until the full bond is paid.
2. Full payment is required prior to the event date, or the booking will be automatically cancelled.
3. The Facility Hire Form must be completed, signed and submitted before an invoice can be issued.
4. The facility is to be entered and vacated by the nominated booking time.
5. Any late amendments to bookings will be deducted from the bond or met by the hirer.
6. The facility is to be left in a clean and tidy condition:
  - Lights and electrical appliances are to be switched off (excluding refrigeration).
  - All doors locked and all windows secured.
  - Tables and chairs should be cleaned and returned to their original position.
  - All bench and table surfaces are wiped and cleaned.
  - Floor to be swept.

- All rubbish is to be placed in the wheelie bins provided outside the building.
  - All kitchen amenities are cleaned and put away, including cleaning of the oven/stove.
  - All decorations are removed.
  - The bar area, if used, left in a clean and tidy state.
  - All toilets are left in a clean and tidy state. Council's cleaner will mop the toilet area following use of the facility.
7. All costs for losses, damage or extra cleaning required inside and/or outside the facility will be deducted from the bond or met by the hirer. The hirer must inform the Shire of any damage discovered prior to the commencement of the booking. Failure to do so may jeopardise the bond. The hirer must inform the Shire of any damage caused during their booking. Any unreported damage may also be deducted from the bond or met by the hirer.
  8. The driving of tacks, nails, screws or fixing of blu-tak etc into or onto any woodwork, walls or any part of the building, furniture or fixtures is strictly prohibited. No internal or external decorations are permitted to be erected without prior approval from the Shire.
  9. The use of candles or smoke devices within Shire facilities is used at the supervision of the hirer, all wax is to be properly cleaned without damage to the facility or equipment and facility is to be properly aired after usage of smoke devices.
  10. The Shire has a NO SMOKING POLICY in all Shire owned and controlled buildings and within 5 metres of all building entrances and openings.
  11. It is the key responsibility of the hirer to ensure that no person behaves in a disorderly manner which causes a nuisance or annoyance. The hirer is to ensure that guests behave in a decent manner at all times, both inside and outside of the facility. If police are called out due to excessive noise, to maintain order or disperse a disorderly crowd, the bond may be forfeited.
  12. In the event of a breakdown of services, utilities, equipment etc. no responsibility will be accepted by the Shire. However, every care and precaution will be taken in this regard.
  13. It may be necessary for maintenance work to be carried out on grounds and venues during your booking time. You will be contacted and advised of the nature of the work and proposed timeframe. Every effort will be made to find an alternative venue for the hirer, however no guarantee can be given.
  14. If alcohol is consumed, you must follow the restrictions as noted on your approved Liquor Licence.
  15. Each building is equipped with a limited number of tables and chairs. Any additional equipment required is to be provided at the hirer's expense.
  16. The Shire reserves the right to require the presence of security/crowd control. This would involve the hiring of a licenced security firm at a ratio of 1:40 guests. Proof of the booking would be required in writing from the security company no later than 7 days prior to the booking date.
  17. Hirers intending to use existing stage lighting should familiarise themselves on how to access and operate the lighting system by reading the 'how to operate' instructions as provided (instructions located at the hall).
  18. Working at heights is a high-risk activity, and a leading cause of death and serious injury in Australia. Any facility hirers working at a height above 2m (e.g. put up decorations) should ensure that they have the relevant training and qualifications to perform the task to minimise any potential of risk to the safety of themselves and others.

19. Bookings may be declined at the discretion of the Shire of Dumbleyung.
20. If a breach of the Terms and Condition of hire is made, the hirer may automatically forfeit the full bond.

**Forms & Templates:** Nil

**First Adopted:** 17 May 2018

**Amended:** 19 August 2021, Motion 2021/1110  
21 April 2022, Motion 2022/038  
15 December 2022, Motion 2022/158  
18 April 2024, Motion 2024/367

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### 11.3 Lease of Horse Paddock

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**Policy Number:** 11.3

**Policy Subject:** Lease of Horse Paddock

**Responsible Officer:** Governance & Compliance Officer

**Policy Statement:** To provide guidelines on the lease of the horse paddock.

**Guidelines:** Council leases the land known as the 'horse paddock' to community and sporting groups/organisations as a fundraising means for periods of three years at a time i.e. commencing 1<sup>st</sup> March in the first year and concluding 28<sup>th</sup> February in the third year. The lease is determined by expressions of interest and the lease is given on the proviso that once during the three years a legume crop is grown and include a one tonne per hectare lime program to be carried out within the first year of the three year lease.

**Forms & Templates:** Nil

**First Adopted:** 21 November 2013

**Amended:** 19 August 2021, Motion 2021/1110

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## 11.4 Swimming Pool – Hire of Premises

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**Policy Number:** 11.4

**Policy Subject:** Swimming Pool – Hire of Premises

**Responsible Officer:** Administration Officer

**Policy Statement:** To provide guidelines for hire of the swimming pool.

**Guidelines:** The swimming pool may only be hired by a community group or school, the hire charges that will apply are in accordance with Council's Budget.

The conditions applicable to such hire are:

1. The application form must be completed and lodged for approval during office hours with the required deposit and hire charge. The deposit will not be returned if the facility is not left in a clean and tidy condition.
2. Damage Deposit – as per the fees and charges (refundable).
3. Pool hire – if applicable.
4. Hours of hire – as approved.
5. Premises are to be left in a clean and tidy state.
6. Games room equipment to be returned to the storeroom.
7. No alcohol is to be consumed within the pool complex.
8. Under no circumstances are glass containers permitted within the grounds of the Dumbleyung Aquatic Centre.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 11.5 Swimming Pool – Season Tickets

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**Policy Number:** 11.5

**Policy Subject:** Swimming Pool – Season Tickets

**Responsible Officer:** Administration Officer

**Policy Statement:** To provide guidelines for swimming pool season tickets.

**Guidelines:** There will be no concessional entry to the pool without a valid pass being purchased for the current season.

Only children 17 years and under living under the same roof as their parents are eligible for inclusion in family season tickets.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 11.6 Shire Housing Prioritisation

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**Policy Number:** 11.6

**Policy Subject:** Shire Housing Prioritisation

**Responsible Officer:** Chief Executive Officer

**Policy Statement:** To provide guidelines for the prioritisation of available Shire owned housing.

**Guidelines:** Shire owned housing access will be prioritised under the following criteria:

**1. Shire Employees (Priority One)**

Sufficient stock of reasonable quality residential housing is to be set aside for Shire staff access use. It is prudent to ensure that allowance is made for future housing stock contingencies in the event of staff changes, particularly staff owned residences.

**2. Key Workers (Priority Two)**

Any Shire owned residences considered surplus to current requirements, may be considered for commercial lease to the Federal/State Government or to the private sector as key worker housing.

All requests for use of Shire owned housing to go through the Chief Executive Officer for approval.

Whilst it is acknowledged that the Shire of Dumbleyung has a key Social Development focus and agenda, this does not include the provision of Social Housing, which is a State Government led responsibility.

The Director of Corporate Services will provide an annual update to Shire Councillors of all Shire owned and controlled houses that were re-let during the previous financial year. This report can be externally sourced if the re-letting process is being undertaken externally by professional property management. This report is to include details of which cohort benefitted from the re-letting process e.g. Shire employees, key workers, aged care etc. If no Shire properties were re-let during any given year, no reporting is required.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2022, Motion 2022/038

**Amended:** 20 June 2024, Motion 2024/395

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## 11.7 Moulyinning & Dongolocking Hall Hire

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**Policy Number:** 11.7

**Policy Subject:** Moulyinning & Dongolocking Hall Hire

**Responsible Officer:** Administration Officer

**Policy Statement:** To provide guidelines for bookings for Moulyinning & Dongolocking Halls.

Moulyinning & Dongolocking Halls will remain a Shire owned and depreciated asset with appropriate building insurance and public liability coverage. The Shire will also retain responsibility for all utility costs i.e. bin pickups, electricity and water.

**Background:** Council endorsed its Asset Management Plan (May 2018) where focus was required to determine what is affordable, realistic and achievable to ensure appropriate resources are prioritised for asset management within the Shire. All Council owned properties were assessed and condition ratings were applied by the assessors. Based on these condition reports, given the vast number of assets owned by the Shire and the availability of both Dumbleyung and Kukerin Town Halls, Council decision was made to no longer prioritise or budget for Moulyinning & Dongolocking Halls for future upgrades, maintenance or replacement of equipment e.g. tables, chairs, crockery etc.

**Guidelines:** **Moulyinning and Dongolocking Halls – Conditions**  
Hall hire fees and bonds are not required for bookings for Moulyinning or Dongolocking Halls. However, both halls must still be booked for approved use through the Shire of Dumbleyung. The Moulyinning and Dongolocking Hall Hire Form is to be completed by hirers and submitted to the Shire of Dumbleyung prior to use.

**Forms & Templates:** Nil

**First Adopted:** 18 April 2024, Motion 2024/367

**Amended:**



## **SECTION 12 – TRANSPORT**

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### **12.1 Construction and Maintenance of Crossovers**

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**Policy Number:** 12.1

**Policy Subject:** Construction and Maintenance of Crossovers

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide specifications and guidance regarding the design, installation and rebating of crossovers.

**Guidelines:**

**Definition**

A “crossover” is the part of the vehicular access to a property, between the property boundary and the edge of the road carriageway.

**Application for Crossovers**

Applications shall be made in writing by the landowner/s or their appointed agent to the Shire of Dumbleyung before any crossover is constructed/upgraded, and the Shire shall respond, either disallowing or approving the crossover, and setting conditions if appropriate (such as culverts or surfacing). This applies to any crossover, whether eligible for a Shire contribution or not.

The Shire approval to any application shall have a two (2) year limit from the date of approval. Once the two (2) year limit expires then the Shires approval lapses and landowners will need to re-apply. Crossovers started within this two (2) year period must also be completed within the same period. The Shire must be notified within 21 days of the completion of a crossover construction/upgrade.

**Temporary Cross Overs**

The Shire does not recognise “temporary” crossovers, however, to address the issue of a crossover being required to gain access to a building site this policy allows the partial construction of an approved crossover (e.g. formed and compacted sub-base) that can be used by vehicles during the construction phase of a dwelling followed by the final surface (final gravel layer/concrete/asphalt of two coat bitumen seal) once the dwelling has been completed provided the crossover construction has been concluded within the two (2) year time limit as per this policy. Any gravel/roadbase/sand or other debris which is transported by vehicle movement, storm water etc. or in any other matter onto the road and/or road drainage system as a result of the crossover being in a temporary ‘unfinished’ state shall be removed from the road way (and associated drainage structures) to the satisfaction of the Director of Infrastructure prior to any further work being carried out on the crossover.

All new or modified crossovers which join an existing sealed road shall be sealed, either with a 2-coat bitumen seal (normally using 10mm aggregate first coat, and 7mm aggregate second coat) or concrete/asphalt/brick. All crossovers which have an overall vertical grade greater than 1 in 6 (either up or down) are to be sealed.

### **General**

The owner, or his nominated contractor, shall construct/upgrade the crossover to the Shires specifications.

The owner, or his nominated contractor, shall give a minimum of 24 hours' notice prior to construction/work commencing in the first instance.

All unsealed, bituminised or asphalt crossovers shall be constructed of 200mm thick (minimum) compacted gravel or road base.

All brick paved and concrete crossovers shall be constructed on a 100mm (minimum) compacted sand base/metal dust (less than 5mm particle size).

For all crossovers, satisfactory compaction shall be by a minimum of 10 complete passes of an industrial type roller/compactor. Material shall hold adequate but not excessive moisture content so as to aid compaction. The general test for compaction will be that the surface shall not show any depressions when a pick handle is dropped from waist height when tested over various areas of the crossover. Gravel and road base shall be finished to a tightly water bound surface, free of loose stones or excessive slurry. Crossovers which are to be sealed shall be inspected prior to any seal being applied.

Where compaction has not been achieved as determined by the Director of Infrastructure, the owner may be requested to carry out formal geotechnical testing and to provide a copy of those results to ensure compaction is greater than 92% Modified Maximum Dry Density (MMDD) for a residential crossover, and 98% MMDD for a commercial crossover.

The gravel or road base material shall be evenly graded and free of large stones, roots and other deleterious materials.

Moisture shall be maintained through the entire depth of material whilst constructing the crossover, watering the surface prior to compacting is not acceptable. Where fill is required in the construction/upgrade of a crossover, compaction will be required in layers no greater than 300mm.

No changes shall be made to any existing road drainage without prior agreement from the Director of Infrastructure.

### **Non-Standard Headwalls**

All structures other than standard precast concrete culvert headwalls (such as cemented stone pitched) shall be subject to approval prior to construction. Upon prior approval the structure then becomes the responsibility of the owner, i.e. the Shire will not accept responsibility for any liable event, costs of maintenance of this structure.

### **Rural Crossovers**

A standard crossover is either:

A gravel crossover with culvert no pipes, or

A gravel crossover culvert pipe (minimum 375mm diameter) pipes as determined by the Director of Infrastructure to suit the location of the crossover and is 7.2m wide (nominally 3 pipes).

Gravelled and/or sealed as per policy requirements with headwalls (if appropriate) and two white guideposts (with reflectors) as per Australian

## **Standards**

It will be at the discretion of the Director of Infrastructure to determine if pipes are required and the standard specification can be modified i.e. should roadside drainage conditions warrant a pipe of alternate diameter.

## **Urban Crossovers**

The culvert pipe size shall be a minimum 300mm diameter. It will be at the discretion of the Director of Infrastructure to determine if culvert pipes are required and the standard specification can be modified i.e. should roadside drainage conditions warrant a larger diameter culvert pipe.

## **For residential crossovers:**

Minimum width 3.0m, maximum 6.0m.

Minimum turnout to be 1.5m, anything greater will require the approval of the Director of Infrastructure.

## **For commercial crossovers:**

Minimum width 4.5m, maximum 12.0m

Minimum turnout to be 1.5m, anything greater will require the approval of the Director of Infrastructure.

## **Location of Crossovers**

No part of the crossover (this includes the crossover turnout and culvert headwalls) shall be adjacent to the adjoining property or within a corner truncation (of next to an adjoining road), desirably it shall be at least 1m clear of the property line. Any variation must have prior approval from the Director of Infrastructure.

Shared crossovers for dual use by two adjoining properties will be considered subject to the location having acceptable sight distances and complying with the normal engineering requirements for a crossover. The required width of a shared crossover will be determined on a case by case basis.

When determining the location of a crossover, the following factors shall be taken into account:-

## **Site Distance**

Drivers on the passing road must be able to see a vehicle on the crossover in time to avoid collision, and the driver of a vehicle on the crossover must be able to see approaching vehicles on the road with sufficient distance to safely enter the road. The location of the crossover shall have a minimum sight distance relative to the stopping distance of a vehicle in an emergency situation; this is related to the posted speed of the road where the crossover is to be located.

Where sight distance is restricted then the crossover shall be positioned to give the best possible sight distance, on prior approval from the Director of Infrastructure. The applicant may be requested to carry out additional works in the road reserve to ensure a safe sight line for entering vehicles.

Where there is ample sight distance then the following factors may determine the crossover location:

## **House Location**

Crossovers to houses will not be allowed if they compromise sight distance and it is possible to redesign the driveway layout to get better sight distance.

### **Vegetation**

If it is necessary to clear native vegetation to allow for construction/upgrade or safe sight distance then the Shire will state any objection if so determined. It is the landowner/s responsibility to obtain any/all approvals to remove vegetation (e.g. relevant Environmental Regulatory Agency). Clearing must be kept to a minimum and may be conditional on replacing any removed vegetation with the same or similar vegetation at the request of the Director of Infrastructure. All vegetation cleared for the crossover/upgrade or to improve sight distance must be removed from the road reserve. All vegetation clearing and removal is at the landowner's expense unless otherwise agreed by the Director of Infrastructure as part of the Shire's contribution to the construction/upgrade.

### **Drainage**

If the construction/upgrade of a crossover requires a culvert pipe to be installed, the position and size of the culvert must not interfere with the flow characteristics of the existing storm water/drain course. Culvert pipes must be installed with their classification stamp facing up and the pipes must not be covered until inspected and approved. Pipes must be installed to manufacturer's specification (including the depth of cover). Spigot and socket pipes shall be installed with the socket or 'bell' end facing 'upstream'.

### **Other**

Other factors, such as existing services, must also be considered when determining the location of crossovers. It is highly recommended that the applicant locate the service utilities by contacting Dial-Before-You-Dig on 1100 prior to commencing earthworks.

### **Occupational Safety & Health, Traffic Management**

All works performed within the road reserve must comply with the Occupational Safety & Health Act 1984, Occupational Safety & Health Regulations 1996 and The Manual of Uniform Traffic Control Devices AS 1742.3 – 2019 (Part 3).

### **Levels of Crossovers**

Crossovers shall be constructed to tie into the level of the "edge of the road".

For gravel roads, or bitumen roads with gravel shoulders, the "edge of the road" is the outer edge of the gravel shoulder.

For kerbed roads it is the top of the kerb where mountable kerbing is to be used across the crossover, or the bottom of the kerb if the kerb is to be taken around the crossover turnout.

Crossovers shall be graded back from the "edge of the road" at a grade no greater than 1 in 6, so that there is a reasonably level area of 5m for a car (residential crossover), and 8m or 15m for a truck and semi-trailer respectively (commercial crossover), unless prior approved by the Director of Infrastructure.

Any crossovers given special approval with a gradient greater than 1 in 6, must be bituminised, asphalt, concrete or brick paved.

For crossovers that fall away from the road the level area shall not be steeper than 1 in 6 unless prior approved by the Director of Infrastructure.

For crossovers on kerbed roads where the kerbing is to be removed, the crossover shall rise to the same level as the top of the road kerb within the first 2m. This is to avoid road water running into the crossover. The remainder of the “reasonably level” area shall not be steeper than 1 in 6 unless prior approved by the Director of Infrastructure.

### **Number of Crossovers**

Normally only one crossover per property will be approved. Where there is a request for two crossovers to one property (for example to allow a “U” shaped driveway so that backing into the road may be avoided or alternate access to a shed/carport or a corner block) then a second crossover may be approved. Any approval will be dependent on the two crossovers being accommodated within the property frontage. Approval will also be dependent on the owner accepting the full cost of the second crossover.

Additional crossovers per property require an application to be lodged with the Shire and subsequently approved prior to construction/upgrade commencing. No Shire crossover subsidy is available for second or subsequent crossovers. Such additional crossovers must still comply with the Shires specifications.

### **Non-Compliant Crossovers**

Crossovers that are deemed not to comply with conditions set and/or this policy may be required to be rectified or removed. Crossovers that need to be removed will also require the road reserve to be re-instated to a condition of similar appearance immediately to either side of the crossover. All remedial work will be at the expense of the person who constructed the crossover and/or the current property owner.

### **Shire Contribution**

The property owner shall be eligible for a 50% subsidy (to a maximum value of \$800 for a new crossover without culvert or to a maximum of \$1,500 for a new crossover with new culvert & headwall) for the construction cost of a Standard Crossover provided the following compliance criteria has been met:

- The crossover rebate must be made in writing to the Shire by the owner of the land within 6 months of the construction of the crossover.
- The crossover complies with the approval, any associated conditions and Shire’s Technical Specifications.
- The crossover constructed is the first crossover constructed in relation to the land.
- The owner produces receipts verifying the actual cost of the crossover.

The subsidy applies to industrial, rural, commercial and grouped dwellings as well as single residential.

A standard residential crossover shall have the following dimensions:

Length (verge width)	7m
Width (at boundary line)	3m
Width (at edge of road)	6m
Area	31.5m <sup>2</sup>

### **Maintenance Costs**

Landowners are fully responsible for all maintenance of crossovers to their property, that is, the portion which they have constructed (being the sealed

surface and gravel base). The Shire is responsible for the street or roadside drains which front the property and will repair any damage associated with water runoff from Council's roads or verges.

If a crossover has become unsafe or in a state of disrepair, the Shire may require a person to repair a crossover by issuing a written notice. If that person fails to make those repairs the Shire may do so and may recover the full cost as a debt due from that person/entity.

Reconstruction/upgrade of one crossover to a property will attract a second subsidy where that crossover has exceeded its expected life (taken as 15 years) as determined by the Director of Infrastructure.

Minor repairs that equate to 20% or less of total crossover square area and that does not require the use of driven machinery (e.g. Bobcat/Skidsteer, Backhoe etc.) will not need prior approval from the Shire.

#### **Non-Approved Works**

Written approval (in the form of an approved crossover application form or otherwise) MUST be obtained from the Shire prior to carrying out any works on a crossover within the Shire road reserve. Any landowner/contractor or other party carrying out non-approved works will be issued with an immediate stop work order and may be instructed to repair all disturbance and/or remove all works until such time as an application is made and approval granted.

#### **Traffic Management**

A traffic management plan conforming to Australian Standard 1742.3 must be submitted to the Shire prior to any works commencing.

**Forms & Templates:** Crossover Application Form

**First Adopted:** 15 April 2010

**Amended:** 19 August 2021, Motion 2021/1110  
21 April 2022, Motion 2022/038



PO Box 99  
Dumbleyung WA 6350  
Ph: (08) 9863 4012  
Email: [enquiries@dumbleyung.wa.gov.au](mailto:enquiries@dumbleyung.wa.gov.au)  
Website: [www.dumbleyung.wa.gov.au](http://www.dumbleyung.wa.gov.au)

# CROSSOVER APPLICATION FORM

BUILDING PERMIT NO: \_\_\_\_\_

## APPLICANT NAME & CONTACT INFORMATION

Landowners Name: (Applicant)	_____	(First Name)	_____	(Last Name)
Postal Address:	_____			
Contact Number:	_____	Email:	_____	

## PROPERTY ADDRESS FOR CROSSOVER APPLICATION

House No: _____	Lot No: _____	RSN: _____	Locality: _____
Road/Street Name: _____			

## TYPE OF CROSSOVER APPLYING FOR

<b>RURAL TYPE</b>
GRAVEL <input type="checkbox"/>
SEALED <input type="checkbox"/>

<b>URBAN TYPE</b>
SEALED <input type="checkbox"/>
CONCRETE <input type="checkbox"/>
PAVED <input type="checkbox"/>

<b>COMMERCIAL TYPE</b>
SEALED <input type="checkbox"/>
CONCRETE <input type="checkbox"/>
PAVED <input type="checkbox"/>

## CONTRACTORS DETAILS FOR CROSSOVER APPLICATION

Contractors Company Name: _____	
Contact Name: _____	Contact No: _____

### Sub-Division

Does this application form part of a sub-division application or condition? YES  NO

## SKETCH PLAN OF BLOCK SHOWING PROPOSED CROSSING TO THE PROPERTY (Attach any additional information on a separate page)

- SHOW CROSSING WIDTH (Minimum width at property boundary as per Council Policy)
- SHOW DISTANCE FROM SIDE BOUNDARY (Minimum distance 1m)

## APPLICANTS DECLARATION

I/We wish to apply to construct a crossover as per this application. I/We understand that the crossover must be constructed in accordance with Council's Policies and to the satisfaction of the Shire of Dumbleyung.

Inspections must be arranged to ensure compliance with Council Policy – Construction and Maintenance of Crossovers. Failure to arrange required inspections may result in non-payment of any applicable crossover contribution.

Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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## 12.2 Private Works

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**Policy Number:** 12.2

**Policy Subject:** Private Works

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for private works.

**Guidelines:** All private works must abide by the following conditions:

- a) The private works request must be in writing on forms provided;
- b) Works valued over \$30,000 are to be referred to Council for consideration, projects requiring a decision between meetings over \$30,000 must be authorised by Shire President and Chief Executive Officer;
- c) Council's private works rates to be utilised in forming estimates;
- d) For public authorities e.g. Telstra, Main Roads etc an order number authorising the work must be received prior to the commencement of works.

**Forms & Templates:** Nil

**First Adopted:** 16 April 2015

**Amended:** 19 August 2021, Motion 2021/1110



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### 12.3 Road Construction on Private Property

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**Policy Number:** 12.3

**Policy Subject:** Road Construction on Private Property

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for road construction on private property.

**Guidelines:** In the event of arrangements being made whereby a land owner permits Council to construct a road through private property, land is to be resumed prior to road works commencing and that Council shall meet the cost of necessary fencing and that the existing road reserve is to remain the property of Council.

**Forms & Templates:** Nil

**First Adopted:** 21 March 1985

**Amended:** 19 August 2021, Motion 2021/1110

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## 12.4 Road Safety Inspection

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**Policy Number:** 12.4

**Policy Subject:** Road Safety Inspection

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for the road safety audit.

**Guidelines:** That the Shire's road network be divided into four locality groups each covering approximately 25% of the Shire's roads as under;

- Group A – Nippering, Dongolocking, Bullock Hills
- Group B – Dumbleyung, Datatine, Nairibin
- Group C – Moulyinning, Kukerin South, Merilup
- Group D – North Moulyinning, Kukerin North, Tarin Rock

a road safety inspection be carried out by the Director of Infrastructure or a suitably qualified person on all roads, footpaths, parks and gardens contained within each locality group every four years, the inspection shall identify road safety risks, road condition, signage, guide posts and drainage for report to Council.

*Group A, B, C and D all audited January 2010*

**Forms & Templates:** Nil

**First Adopted:** 15 April 2020

**Amended:** 19 August 2021, Motion 2021/1110

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## 12.5 Sealing - Intersections

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**Policy Number:** 12.5

**Policy Subject:** Sealing - Intersections

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for sealing intersections.

**Guidelines:** Bitumen sealing is to be carried out to a minimum length of 30 metres down all unsealed side roads intersecting with a road that is being sealed.

**Forms & Templates:** Nil

**First Adopted:** October 1999

**Amended:** 19 August 2021, Motion 2021/1110

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## 12.6 Sealing Gravel Roads Near Dwellings

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**Policy Number:** 12.6

**Policy Subject:** Sealing Gravel Roads Near Dwellings

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for sealing gravel roads near dwellings.

**Guidelines:** A landholder within Dumbleyung Shire who has a residential dwelling on a gravel road can apply to the Shire of Dumbleyung for consideration of bitumen sealing the road in front of the subject residential dwelling provided that:

- The residential dwelling is 50m or less from the centre of the road.
- The landholder pays at least 50% of the total cost of the works.

The following minimum specifications are to be met:

- The bitumen must be at least 400m long.
- The bitumen must be a minimum of 7m wide.
- The bitumen seal must be at least a class C170 standard and 2 coat with 14mm/10mm aggregate sizes used.
- The pavement must have a minimum depth of 300mm. Existing gravels on the road that are acceptable to the Shire of Dumbleyung can be used to reach this pavement depth. In this instance a 100mm gravel overlay can be used to make up this depth provided that it is stabilised to a depth of 150mm to bind the new gravel to the existing gravel.
- All gravel driveways accessing onto the new bitumen strip must be sealed to the following minimum standards:
  - 5m wide bitumen seal from the edge of the seal on the road to the property boundary.
  - The bitumen seal must be at least a class C170 standard and single coat with a 10mm aggregate size used.
  - The pavement must have a minimum depth of 200mm. Existing gravels on the driveway that are acceptable to the Shire of Dumbleyung can be used to reach this pavement depth. In this instance a 100mm gravel overlay can be used to make up this depth provided that it is stabilised to a depth of 150mm to bind the new gravel to the existing gravel.
  - A rubber ring Reinforced Concrete Pipe of a minimum diameter of 300mm is to be laid under the driveway adjacent to the table drain to ensure that stormwater continues to flow freely. Prefabricated concrete headwalls are to be attached permanently to the inlet and outlet of the pipe under this driveway.
- Watercourses traversing the roadway are to be catered for with a suitably sized culvert as recommended in appropriate hydraulic calculation. Prefabricated concrete headwalls are to be attached permanently to these pipes.
- All table drains are to be cleared and shaped to a minimum depth of 300mm and a minimum width of 1.5m.
- All off-shoot drains are to be cleared and shaped to a minimum depth of 300mm and a minimum width of 1.0m.

In considering proposals under this policy the Council will take into account:

- The initial capital cost of the work.
- The ongoing whole of life maintenance costs.

**Forms & Templates:** Nil

**First Adopted:** 20<sup>th</sup> November 2008

**Amended:** 19 August 2021, Motion 2021/1110  
20 April 2023, Motion 2023/222

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## 12.7 Weather Related Road Closures

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**Policy Number:** 12.7

**Policy Subject:** Weather Related Road Closures

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To restrict the winter use of unsealed roads by certain vehicles to preserve the Shire's asset.

**Guidelines:** Unless otherwise stated, Council shall practice its rights and obligations to partially or wholly close, and subsequently re-open, any road under its responsibility in accordance with provisions of the *Local Government Act 1995*, and the *Local Government (Functions and General) Regulations 1996*.

Specifically, Council may close unsealed roads to all vehicles greater than 4.5 tonnes gross when conditions arise where damage to the structure and or surface of the road is likely to occur. This would usually occur in winter after grading and when 10mm or more of rain is forecast.

Rain events greater than 10mm may require unsealed roads to be closed until road conditions are suitable, as determined by the Chief Executive Officer under Delegated Authority.

Notifications of weather related road closures will be made to adjoining Shires and notices will be posted at the Shire Administration Office.

Restricted Access Vehicle permit holders with current letters of approval from the Shire, local carriers and any other interested parties will be notified of weather related road closures by facsimile or SMS text message. A media release will be sent to media outlets.

Where Council is required to issue local public notice, the issue of local public notice shall be in accordance with *Section 1.7* of the *Local Government Act*. Where a road closure inadvertently exceeds a period of twenty-eight (28) days, the Council shall meet its obligations under *S1.7 & 3.50(4)* of the *Local Government Act 1995* and *S4, Part 2* of the *Local Government (Function and General) Regulations 1996*.

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 12.8 Roadside Memorials Policy & Guidelines

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**Policy Number:** 12.8

**Policy Subject:** Roadside Memorials Policy & Guidelines

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines on roadside memorials.

**Guidelines:** Council adopts the Main Roads Roadside Memorials Policy and Guidelines.

**Forms & Templates:** Nil

**First Adopted:** 17 May 2018

**Amended:** 19 August 2021, Motion 2021/1110

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## 12.9 Water Pipes Under Roads

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**Policy Number:** 12.9

**Policy Subject:** Water Pipes Under Roads

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for water pipes under roads.

**Guidelines:** To place a pipe under Council's roads the following conditions must be met:

1. Written application for approval to undertake specified works to be made to Council prior to commencing such works.
2. White posts marked "water pipe" must be in place on each side of the road.
3. Road surfaces must be replaced as specified by Director of Infrastructure.
4. Owner/applicant must accept all liability which may result from operations.
5. The water pipe is to be encased in a second pipe and be located 45cm below the table drain.
6. Any works not meeting these standards or deemed to be a safety hazard to general road users shall be repaired or removed at applicants cost within 3 days.
7. Any pipe with a diameter greater than 200mm may need to be referred to Director of Infrastructure for approval.

**Forms & Templates:** Nil

**First Adopted:** 15 February 2007

**Amended:** 19 August 2021, Motion 2021/1110



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## 12.10 Restricted Access Vehicles on Shire Roads

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**Policy Number:** 12.10

**Policy Subject:** Restricted Access Vehicles on Shire Roads

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To establish a set of principles for Shire Officers to assess applications for Restricted Access Vehicles (RAV) on the Shire of Dumbleyung's road network to ensure the sustainable management of the Shire's road assets and being mindful of the financial imposts for road transportation.

Although the Shire approve or disapprove a RAV application the final approval/disapproval authority lies with Main Roads WA (Heavy Vehicle Services).

**Guidelines:** This policy sets out the basis for assessing RAV applications to use Shire roads.

The legislation covering movement of RAVs is quite complex. Permits are issued by Main Roads WA Heavy Vehicle Services (HVS), not by Local Authorities. However, HVS will seek the affected Shire's own assessment and comments regarding the application. These permits relate to vehicles that are larger than semi-trailers and truck/trailer combinations up to three axle truck/two axle trailer (total length less than 19m in length) that are licensed and may use any public road "as of right". Therefore, permits are necessary for larger vehicle combinations, such as three and four axle truck/three and four axle trailer, B Doubles, long vehicles and road trains, conforming to HVS specifications. These different combinations are broken up in to 'Networks' (1 to 10) which designate different combinations and axle groups into these Networks and are then designated gross maximum weights, total combination lengths and axle groupings.

Most major transport link roads within the Shire (some of the Type 1-3 Roads as per the Road Hierarchy (Appendix D) in the Roads Construction & Maintenance Guidelines – June 2019) are currently approved (but not all of the roads in the Road Types 1-3).

### **Application & Assessment**

Once an application has been received the proposed route/s must be assessed by a suitably qualified Shire officer taking into consideration the Main Roads WA HVS document 'Standard Restricted Access Vehicle (RAV) Assessment Guidelines' and complete the 'Assessment Form' (Appendix K) and file that completed form accordingly.

An assessment may not need to be completed if a route assessment has already been completed on that road for that RAV Network combination.

Assessments shall take consideration of the following:

- Number of existing RAV's approved for this route already;
- Current road conditions;
- Where possible getting RAV's back onto sealed roads with preference for

highways and Roads 2040 (capital works able to be part funded by State Government) roads;

- All Assessment Criteria and Community Considerations as per the Main Roads WA HVS document 'Standard Restricted Access Vehicle (RAV) Assessment Guidelines'.

The following conditions (singularly or in entirety) may be applied to Restricted Access Vehicles operating on local, low volume roads within the Shire of Dumbleyung (but are not limited to):

- A current written approval from the Local Government, permitting use of the road, must be carried and produced on demand (CA07).
- Through roads designated by the Shire of Dumbleyung must be used as such by permit holders. Unofficial short cuts will not be permitted.
- All permit vehicles operating on this road shall not exceed the recommended speed limit by MRWA for reasons of safety. *{A lesser speed limit may be conditioned by the Shire on the permit for safety reasons and/or to prolong the life of the road asset.}*
- Unsealed roads may not be used by RAV's when visibly wet.
- Permit operators must maintain a close liaison with the Shire, specifically in relation to prevailing weather conditions and adverse road conditions, which may occur. If operators fail to comply and damage a road, the Shire will seek restitution to repair the road and will be reported to Main Roads WA HVS Enforcement.
- This section of road may be used as access to pick-up goods, deliver goods, or garage vehicles to properties located on this section of road, or on roads only accessible via this section of road. Drivers must carry documentation as proof of local delivery, pickup or garaging address.
- Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the particular road.
- Headlights must be switched on at all times.
- When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover.
- Direct radio contact must be maintained with other RAV's to establish their position on or near the road (UHF channel 40).
- For a single lane road, the road must not to be entered until the driver has established via radio contact that there is no other RAV on the road travelling in the oncoming direction. (Only for Type B Local Road as designated by Main Roads WA).
- Any permit holder who fails to comply with these conditions may have their permit withdrawn, such withdrawal to affect all Local Government Authority permits. No reinstatement will be contemplated unless the Local Government Authority is satisfied that the permit holder will adhere to the conditions.

These condition/s may be applied so as to:

- Preserve the condition of the road infrastructure;
- Reduce the economic cost to the community caused through heavy vehicle damage; and
- Mitigate impact on community amenity of noise, dust, hours of operation, public safety etc.

Every application for a RAV Permit to the Shire by a RAV operator must be

completed on the Shire's Restricted Access Vehicle (RAV) Authority Application form.

Even though the RAV operator must apply to the Shire for access, the operator may not use the road with the proposed RAV until such time as the application is approved by Main Roads WA HVS.

**1. Extent of Authority**

The policy only relates to the assessment and approval/disapproval of RAV's up to Network 7 Shire Officer/s as per the Delegation Register.

**2. Concessional Loading**

All Concessional Loading applications through the HVS Accredited Mass Management Scheme (AMMS for Level 2 & 3), Harvest Mass Management Scheme (HMMS) and Performance Based Scheme (PBS) shall be assessed and taken to Council for consideration.

**Forms & Templates:** Restricted Access Vehicle Authority Form and Terms and Conditions

**First Adopted:** 19 August 2021, Motion 2021/1110

**Amended:**



## Restricted Access Vehicle (RAV) Authority Application

All applications for Restricted Access Vehicle (RAV) Permits are now processed and approved by Main Roads WA (MRWA) – Heavy Haulage Section. Applicants should apply directly to MRWA. This form is only to be used when the Applicant seeks approval to use Shire roads.

Please complete and return to: Manager of Works, Shire of Dumbleyung, PO Box 99, Dumbleyung W.A. 6350 or [enquiries@dumbleyung.wa.gov.au](mailto:enquiries@dumbleyung.wa.gov.au).

Applicant Contact Details		
Contact Name:		
Company Name:		
Depot Address:		
Postal Address:		
Telephone Contacts:	Business:	Mobile:
Email:		

Heavy Vehicle Details		
Make & model of prime mover/s:		
Registration number/s of prime mover/s:		
Registration number/s of trailer/s (if applicable):		
Weight of fully laden vehicle/s:		
Type of RAV (eg, Network 2, Network 3, Network 4, etc.):		
AMMS Loading (Yes/No): _____	If 'Yes' the AMMS Level (2 or 3): _____	

Please list all roads and/or streets you propose to use for RAV transport. If several roads are to be used, attach a plan with the proposed route/s clearly marked with arrows showing direction of travel:

.....  
.....  
.....  
.....

How many trips per vehicle, per day? ..... Per week? .....

Which days of the week will vehicle/s be on the road? .....

How long is permission required? ..... Start Date: .....

**Please note:**

- (a) Please allow 1-6 weeks for assessment of the application (dependent on the complexity of the assessment and/or if there is a requirement for Council consideration).

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**



# Restricted Access Vehicle (RAV) Authority Application Restricted Access Vehicle (RAV) Authority Terms & Conditions

The following information is provided to assist with enquiries relating to heavy haulage on Shire of Dumbleyung roads.

## Background

Main Roads WA (MRWA) reviewed its Heavy Vehicle Permit Application process with new Extra Mass Vehicle arrangements taking effect from 28 March 2008.

The application process involves each shire providing MRWA with a list of Approved Restricted Access Vehicle (RAV) Routes with standard conditions, which is then integrated into the RAV Permit Networks. MRWA will then be responsible for administering all applications and approvals, thus removing individual application processing at the local government level.

Roads not on the RAV Network require Shire approval before MRWA will issue the permits. Applications must be on the RAV Authority Application Form available from the Shire (see attached).

MRWA has given a written confirmation that all violations of permit conditions will be investigated immediately.

The Manager of Works advises MRWA of the Shire's RAV Haulage Routes and conditions to be imposed on all applications seeking approval to use the Shire's heavy haulage routes. Shire conditions do not apply to main roads in the Shire.

## Reporting of Infringements

Reporting of infringement of the Shire's conditions by RAVs, citing the registration number of the vehicle, should be made to:

- Heavy Vehicle Operations, Main Roads WA on (08) 9311 8450; or
- Heavy Haulage Section, Department of Planning on (08) 9791 2221; or
- Police.

If you are unable to contact the above offices, you may contact the Shire Office on (08) 9863 4012.

## Heavy Vehicle Authority Conditions

### Definitions

- (a) The term "Applicant" shall mean the owner/operator of the vehicle to which the application refers.

- (b) The term "truck" shall mean a Restricted Access Vehicle (RAV) Authority vehicle (over 42.5 tonnes gross mass or over 19m in total length); and

- (c) The term "Approved Extra Mass Vehicle Haulage Routes" refers to those roads approved for Heavy Haulage (Restricted Access Vehicles) by the Shire, and for which application can be referred to MRWA with standard conditions by the Chief Executive Officer.

The following conditions (but not limited to) are applicable to all RAV applications:

### 1 School Bus Conditions

- 1.1 Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the particular road.

### 2 General Conditions

- 2.1 Non-compliance may result in the Shire, at its discretion, requesting MRWA to withdraw the RAV Authority.
- 2.2 The Applicant shall observe, at all times, all provisions contained in the *Road Traffic Act and Regulations*, the *Local Government Act 1994*, and all Local Laws.
- 2.3 Entries to properties being serviced by the Applicant must be constructed for sight distance and width standards to Shire's satisfaction for safety, to prevent road base or earth spill onto sealed surfaces and damage to sealed edges and road verges. Approval may be withdrawn if damage occurs and is not closed or repaired to the satisfaction of the Manager of Works.

- 2.4 Some roads are subject to regular livestock crossings. The Applicant is to identify the location of these and the normal crossing times and exercise appropriate caution.
- 2.5 Where more than ten (10) return trips per day occur on local roads, the Applicant is required to provide symbolic "Truck Entering" warning signs (W5-22), except where these signs already exist. The signs shall be located either side of the entry/exit of the properties as approved by the Manager of Works. These signs shall be installed by the landowner entirely at their own cost.
- 2.6 On receipt of a formal application from MRWA for special consideration, the Manager of Works may set conditions for roads which are not shown on Approved Haulage Networks, but are necessary to provide safe access on approved activity under the following circumstances:
- 2.6.1 The road is safe for use by RAVs;
- 2.6.2 The road is in good condition and of safe standard and the Applicant proposes less than one hundred (100) return trips in one year and not more than six (6) return trips in any week or part thereof;
- 2.6.3 Compliance with condition(s) imposed; and/or
- 2.6.4 Where the road is unsatisfactory and the Applicant undertakes to upgrade the road and access to the satisfaction of the Manager of Works; or
- 2.6.5 Otherwise where the matter has been determined by Council.

### **3 Weather Conditions**

- 3.1 All Authorities will be suspended where the road surface has deteriorated and is determined by the Manager of Works to be unsafe for RAVs or any form of transport, or that continuing use will cause a safety risk and/or significant damage to occur. MRWA is to administer a Council request of this nature and issue Suspension Notices to permit holders.
- 3.2 To minimise the potential for road damage and safety hazards, the Manager of Works may request MRWA to suspend RAV Permits on Shire roads where more than 50mm of rain has fallen in any 24 hours or lesser period.

Such notice shall remain in effect until re-commencement advice is issued by the Shire to MRWA who will issue notices to Permit holders to recommence transport.

### **4 Regulations**

- 4.1 The Applicant shall, at their own cost, produce a weighbridge docket at any time upon request of a Department of Transport Officer, Main Roads WA Officer or Police Officer, who may accompany the unit to the nearest facility.
- 4.2 All weight and measure conditions, as determined by the Main Roads WA Permit, must be adhered to.
- 4.3 No bridges with posted load limits are to be crossed by RAVs exceeding the allowable load limit unless by prior arrangement with the Main Roads WA Heavy Vehicle Section.
- 4.4 A list of Approved RAV Haulage Routes, depicting roads suitable for use by RAVs, shall be maintained by the Manager of Works who shall carry out a complete review of the Shire's Approved RAV Haulage Routes for heavy haulage routes on an as required basis.

### **5 Procedures**

- 5.1 On contact with the Shire requesting approval to operate RAVs within the Shire of Dumbleyung, an application will be forwarded to the Applicant.
- 5.2 On receipt of the completed application the Shire's Manager of Works will assess the suitability of the proposed vehicles and the context of their use as per the application.
- 5.3 If the application is successful, the Manager of Works, under delegated Authority of Council, will approve the application subject to compliance with the Shire's RAV Authority Conditions. A letter to this effect will be sent to the Applicant advising of the outcome.
- 5.4 Approval may be withdrawn at the absolute discretion of the Shire at any time by notice to MRWA in cases of non-compliance by the Authority holder.
- 5.5 In the event of an unsuccessful application, the Applicant will be notified in writing.

#### **NOTE:**

**A letter of authority from the Shire does NOT constitute a permit. The holder must only operate a restricted access vehicle on any road in accordance with a valid permit issued by Main Roads WA**

**CHIEF EXECUTIVE OFFICER**

## **SECTION 13 – NATURAL RESOURCE MANAGEMENT**

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### **13.1 Wild Oats Control – Road Verges**

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**Policy Number:** 13.1

**Policy Subject:** Wild Oats Control – Road Verges

**Responsible Officer:** Director of Infrastructure

**Policy Statement:** To provide guidelines for spraying of wild oats on road verges.

**Guidelines:** That landowners be permitted to spray wild oats, radish, turnip and other environmental/AgWA declared pest plants growing on Shire road verges using approved chemicals providing that indigenous flora and fauna species are protected, and in consultation with the Director of Infrastructure.

*Note:* This Policy should be read with the 'Code of Practice for Roadside Conservation During Road Construction and Road Maintenance'.

[https://www.dpaw.wa.gov.au/images/documents/conservation-management/off-road-conservation/rcc/rcc-handbook-environmental-practice\\_may10.pdf](https://www.dpaw.wa.gov.au/images/documents/conservation-management/off-road-conservation/rcc/rcc-handbook-environmental-practice_may10.pdf)

**Forms & Templates:** Nil

**First Adopted:** 21 April 2016

**Amended:** 19 August 2021, Motion 2021/1110

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## 13.2 Firewood Collection (Deleted)

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**Deleted:** 20 April 2023, Motion 2023/222